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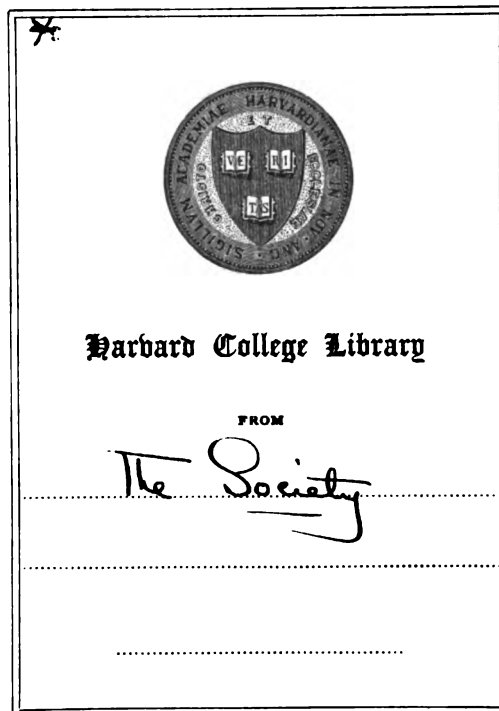
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ARCHIVES OF MARYLAND

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

APRIL, 1715—AUGUST, 1716

PUBLISHED BY AUTHORITY OF THE STATE, UNDER THE DIRECTION
OF THE MARYLAND HISTORICAL SOCIETY

WILLIAM HAND, BROWNE
Editor



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The Society



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ROOMS OF THE MARYLAND HISTORICAL SOCIETY,

BALTIMORE, *March* 1, 1910.

To the Maryland Historical Society:

GENTLEMEN :

We have the honor to submit the Thirtieth Volume of the Maryland Archives, being the Proceedings and Acts of the General Assembly of Maryland from April 26, 1715, to August 10, 1716.

Respectfully,

CLAYTON C. HALL,
HENRY STOCKBRIDGE, JR.,
BERNARD C. STEINER,
Committee.

ARCHIVES OF MARYLAND.

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PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY, 1666-1676, - 1884
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PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY OF MARY-
LAND, April 26, 1715-August 10, 1716, - - - - - 1910

PREFACE.

The present volume contains the Proceedings and Acts of Assembly for 1715-16, in regular continuance from the last volume. As was before explained, the Statute Book LL 4 having long been lost, we were compelled to take the public general Acts from Bacon's published edition, into which they were copied from the missing Liber. Private Acts Bacon gives by titles only, which it has not been thought necessary to reproduce.

With regard to the public Acts of 1715, we have been more fortunate. Queen Anne had ordered a complete revision of the laws, amounting to the compilation of a new code; and this was accomplished in 1715. A copy of these Acts, forming a stout MS. book, was sent to the Proprietary, and is now among the Calvert Papers, from which book our text has been taken. One act of 1716 was taken from a MS. copy in the collections of the Maryland Historical Society.

Charles Calvert, Lord Baltimore, the second Proprietary of Maryland, died, at an advanced age, on February 20, 1714/15, and was succeeded by his son, Benedict Leonard. But before the news of his death reached the Province, which was on the 29th or 30th of May, Benedict Leonard had also died (April 5), and been succeeded by his son Charles, a minor, under the guardianship of Francis, Lord Guilford. Benedict had embraced the Protestant faith, and his children were brought up in the Church of England.

As the adhesion of Charles to the Church of Rome had been put forward as the reason for depriving him of the government of his Province, and this reason was no longer in force, on petition of Lord Guilford to the King, the government was restored to his grandson, and Maryland, after twenty-five years of royal government, returned to its ancient status. Gov. Hart, whose administration seems to have been universally acceptable, was continued in his government under a commission from the new Proprietary. An odd technical question arose as to the style of the laws: whether, in the enacting clause, the Proprietary's minority should or should not be alluded to. It was decided

Preface.

that while "in his natural capacity" he was a minor, as a "Body Politick" he was not liable to the incident of minority.

The one-day session of April 24, 1716, was called merely to notify to the Assembly the return of the Province to Proprietary government, and there was no Journal of the Upper House.

The proclamation of the Pretender declaring his claim to the crown of Great Britain, and the recognition of that claim by the King of France, followed by a formidable Jacobite uprising, produced much excitement in Maryland, where a considerable number secretly favored the Stuart cause, and rekindled the suspicions against the Catholics. In June, 1716, some foolish persons in Annapolis saluted the birthday of the Pretender by firing cannon. Such an act could not be overlooked, and the Governor offered a reward for the discovery of the offenders. One, a servant, came forward as a witness, and received a pardon and the reward, while another was flogged and pilloried. Two other persons were fined for drinking the Pretender's health.

The uneasiness and suspicion which these things occasioned have left their mark on the legislation of this time.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis, April 26 to June 3, 1715.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN HART,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss.

At the Council in Assembly held at the City of Annapolis U. H. J.
in Ann Arundel County the twenty Sixth day of April in the P. 1
first year of the Reign of our Sovereign Lord King George
of Great Brittain France & Ireland King Defender of the
Faith &c Annoq Domini 1715

Present

His Excellency John Hart Esq' his Majesty's Cap' Gen' &
Governour in chief of this his Province

The Honble { Edward Lloyd Esq' Col Tho' Addison
Col W^m Holland Col W^m Whittington
Col W^m Coursey and
L' Col Sam' Young L' Col Richard Tilghman

This being the day appointed for the meeting of the General Assembly of this province according to the Writts of Election issued to the several Countys and City of Annapolis for Electing & choosing Delegates and Representatives to serve in this Assembly

The above named members of his Majesty's Council made their Appearance in the Council Chamber

And the honble Col Tho' Ennalls being very sick and indisposed his Absence at his request is Excused

Then was read his Majesty's Writt of Dedimus potestatē p. 2
impowering the Honble Col Edward Lloyd to administer the Oaths appointed to be taken instead of the Oaths of Allegiance and Supremacy and the oath appointed by the Act of Parliament made in the Sixth year of the Reign of her late Majesty for Security of her Majesty's Person and Government and of the Succession to the Crown of Great Brittain in the Protestant Line, To the Honble W^m Holland W^m Coursey and Samuel Young Esqⁿ and to see them subscribe the said last mentioned oath, and the Declaration enjoined by the Act of the twenty fifth of King Charles the second commonly called the Test and then empowering the said W^m Holland W^m Coursey and Sam' Young Esqⁿ to administer the same Oaths to the said Col Edward Lloyd and the rest of the members of his Majesty's Council & to see them make the af^d Subscription.

Which was done at the Board all the members present taking the said Oaths & making such Subscriptions

U. H. J. M^r Tyler Col Ward M^r Rousby & Major Wilson members of the House of Delegates came & acquainted his Excellency in Council that there was a Sufficient number of their members mett to make an House

Whereupon his Excell^{ty} is pleased to direct the Gentlemen of the Council impowered to go to the House of Delegates & administer the Oaths appointed to them & see them Subscribe the oath & Test therein mentioned

The af^d Gentlemen appointed to administer the Oaths to the Delegates return & say they have executed the power
p. 3 given them by administring the af^d Oaths to the Delegates, which they took and likewise the s^d Gentlem. report that they saw the Delegates Subscribe the Test and Oath of Abjuration

His Excell^{ty} understanding there were a Sufficient number of the Delegates Convened, was pleased to order Col Addison and Col Tilghman to go down to them & require them to attend him in Council.

Who return & say they have delivered their Message

Whereupon above forty of the Delegates came & attended his Excellency. Who was pleased according to the usual Custom to direct them to choose their Speaker & present him for his Approbation

Whereupon the Delegates went back to their House and M^r Rousby M^r Bordley M^r Garrett & M^r Tasker came & acquainted his Excellency that the Delegates had chosen their Speaker

Whereupon the honble Col Holland & Col Whittington were ordered by his Excellency to go to the Delegates and acquaint them his Excellency expected them to come up & present him for his Approbation

The said Gentlemen of the Council return & say they have delivered their Message

And immediately above forty of the Delegates came & presented M^r Robert Ungle of Talbot County

Who after he had disabled himself as usual was approved of by his Excellency and then prayed Freedom of Debate &c in their House & Privileges & Freedom of their Persons from Arrests whilst in the service of the Country & access for Himself to his Excell^{ty}s Person on any special occasion so requiring.

p. 4 Then his Excellency was pleased to open the Session with the following Speech Viz.

Gentlemen of the Assembly

Upon the earliest notice I had of his Majesty's happy Accession to the Crown I have called you together to Consult the

good of this Province and to compleat what was so well begun U. H. J.
in the last Assembly but interrupted by the Death of our late
Queen of pious memory

I am perswaded I cannot open this Session with any thing
more grateful (to a people who have already distinguished
their Joy) than by congratulating you on the auspicious occa-
sion of his Majesty, King George his being so peaceably &
securely Seated on the Throne of his Ancestors.

The Lenity with which he has long governed his Subjects
in Germany, The Deference which is paid his consummate
Judgement by all the Princes in Europe are strong Indications
how happy a People we may be under the Influence of one of
the Greatest as well as one of the best of Kings that ever
Swayed the British Scepter

Our Religion is secured in his Royal Person not by the
Effect of a refined Policy but an exemplary practice of the
Truth and purity of his Principle

Who can doubt but our Laws will be maintained & our
Libertys preserved when they are protected by a Just &
mighty Prince that has been so Zealous an Assertor of the
Liberty of Europe against all bold Invaders

The noble Disposition of his royal Highness the Prince of
Wales, the Generous Courage he so early exerted in the
Field and the numerous Offspring which Providence has p. 5
given him affords a pleasing view of a continued Series of
Happiness to us. What can we desire now but that the good
God will preserve such invaluable Blessings to us and make
us dutifully Sensible of them

Gentlemen of the House of Delegates I am to acquaint
you I laid before the last Assembly an Instruction from her
late Majesty to revise the Laws of this Province and have
since received his Majesty's Commands to be observant of
those Instructions

The necessity of this so useful a work is obvious from most
of your Laws being very defective so that I need not enforce
any further what is so much to your Advantage, but must
recommend to you to pursue it with application, for my obser-
vation of your past Journalls makes it Evident to me, and
your own Experience will inform you that long & frequent
Assemblies are grievous Burthens to the people

At my first Arrival into this Province I laid before your
House a Law lately passed in Virginia for the improvement
of the Tob^o Trade in which there are many useful Things to
advance that Staple in this Country but having since received
an Act of Parliam^t from Great Brittain justly Entituled an Act

U. H. J. for the Encouragement of the Tob^o Trade Which provides abundantly more for the relief thereof And answers all the Ends of the Virginia Law, I am now of opinion you will not employ much of your time about that particular

The great Condescension of the Crown in parting with so considerable a Branch of the Revenue in your favour by passing an Act for the encouraging of the Tob^o Trade and the immediate Benefitt and Advantage you will reap from it, It will be demonstrated by the Act itself which I shall send down to your House for your Perusal

Gentlemen—I am inclinable to impute the decay of the Revenue here more to Accident in Trade than to any Intention of the Good People of this Province to defraud the Crown, but what was at first only the Accident of Trade is now grown up to a pernicious Custom by which the Revenue is greatly impaired as will evidently appear by a Law made in an Assembly of the 30th April 1679

To that Law I am referred by my Instructions which I shall communicate to you for your Information

True It is that the Circumstances of Trade are much altered since that time, and as it would be of evil Consequence, to reduce your Cask to the former Weight so It is very injurious to the Crown If a due regard & proportion be not had to its Rights, It is therefore expected on his Majesty's behalf that you will reform those Abuses. The Inhabitants of this Province with a commendable Industry use their best Endeavours to Cultivate the Growth of Tob^o And there still remain many spacious Tracts of this fertile Soil, especially on the Eastern Shoar which are not so agreeable to the nature of that profitable Plant, but excellently well adapted to the making of Hemp what of this kind has been hitherto only raised for an Home Consumption in the opinion of the Mariners equals the best that grows in Europe

An Improvement of this Manufacture is worthy your mature Consideration; you have already great Encouragem^t from the Crown for Importation, you are certain of a market in England for your Produce and have a Sufficient Quantity of Land as I am informed to supply Great Britain with Cordage forever.

The want of Seamen to navigate your vessels is a mighty obstacle to the Trade of this Province and since the Humour of the Generality of the people is such that they will not send their Children to Sea, if some method were found of disposing annually of a certain number of the youth maintained by the several Countys It would in few years be of considerable use

and Advantage to this Province in particular & promote U. H. J. navigation in general

It is with Compassion I observe so many young men of admirable natural Parts grow up without the least improvement of Art, to form their minds & make them more useful to their Country, It is more than Time to repair the great neglect that is shewn to Learning here, It lies at your door to accomplish the good work of laying a foundation for Sufficient schools, The consequence of such Education will be to see your sons increase in Knowledge & Virtue as well as in Wealth & Honour, you will likewise have the Blessings of the poor in this Life And Posterity will praise you as Benefactor's of your Country

Gentlemen—Let not the novelty of what I have offered prove an obstruction to the publick Good, few things attain perfection at the first setting forth, This Province is but yet in its Infancy, the means to make it grow up to a flourishing Condition is by using of Industry in your Traffick, and by p. 8 countenancing of useful Learning but these also are here in their tender age so they must be nourished with time Care & patience

After which the Delegates withdrew to their House

And M^r Benjamin Tasker and M^r Tho^s Holdsworth from the Delegates came & presented M^r Tho^s Macnemara their Clerk Elected to be Qualified, by taking the Oaths appointed in the stead of the Oaths of Allegiance & Supremacy the Oath of Abjuration and Oath of Clerk of their House which was administred to him by his Excell^{cy} the Governour And the said M^r Macnemara in the presence of the said two Delegates likewise Subscribed the Oath of Abjuration and Declaration commonly called the Test

The Board adjourned 'till nine of the Clock to morrow morning

At the Council in Assembly held the 27th day of April 1715

Present

His Excellency the Governour &c

The honble {	Col Edw ^d Lloyd	Col Tho ^s Greenfield
	Col W ^m Holland	Col Tho ^s Addison
	Col W ^m Coursey	Col W ^m Whittington
	L ^t Col Sam ^l Young	L ^t Col Rich ^d Tilghman

The Honble Col Tho^s Greenfield took the oaths appointed to be taken instead of the Oaths of Allegiance & Supremacy,

U. H. J. as also the Oath appointed to be taken by Act of Parliament of the Sixth year of the late Queen Entituled an Act for the security of her Majesty's person and Government and of the Succession to the Crown of Great Brittain in the Protestant Line & subscribed the said last mentioned oath

p. 9 Cap^t Mariartee & Cap^t Dent brought from their House the following message

By the House of Delegates
April the 27th 1715

This House in order to dispatch Business as much as possible may be has made a resolution to sitt from eight of the Clock till Eleven in the Forenoon, And from one in the Afternoon till five every day during this Session and desire to know whither the Time resolved on be agreeable to your Excellency and Honours

Signed p order Tho^s Macnemara Cl ho Del.

To which the following answer was sent by the honble Col Tho^s Greenfield Viz.

By his Excellency the Governour & Council in Assembly
April the 27th 1715

Gentlemen—

Your Message by Cap^t Mariartee and Cap^t Dent signifying your Resolution of sitting from Eight of the Clock in the Forenoon till Eleven, and from one in the Afternoon till five every day during the present Session is well approved of

Signed p order W Bladen Cl Coun.

The Board adjourned for two Hours

Post Meridiem

The Council Sate Present as in the morning

M^r Hodson and Cap^t Tripp came & presented M^r Peter Taylor a Delegate for Dorchester County to be Qualified by having the Oaths appointed administred to him which was done in their presence & the said M^r Taylor subscribed the Oath of Abjuration & Declaration commonly called the Test.

The Board Adjourned till nine of the Clock to morrow morning

Thursday April the 28th 1715

U. II. J.

The Honble his Majesty's Council Sate Present as yesterday p. 10

Col Maxwell and Major Philips came from the House of Delegates and presented Cap^d Colegate a Delegate for Baltimore County desiring he might be Qualified by taking the Oaths appointed by Law and subscribing the Abjuration Oath and Test, which was accordingly done in their Presence.

Then came the Honble John Hall Esq^r and took the said Oaths & Subscribed the Test and Abjuration Oath & took his place at the Board.

M^r Thomas Holdsworth & M^r Benjamin Tasker came & Saw M^r John Phelps Naval Officer of the District of Potowmack make Oath to his Naval Officers Accompts of the 3^d p Gallon, 3^d p hh^d 12^d on pork & Duty on furr

The Board adjourned till nine of the Clock to morrow morning

Friday April the 29th 1715

The Honble his Majesty's Council Sate Present as yesterday save the honble Col Edw^d Lloyd who had leave to go home on urgent occasions

M^r Rousby & Seven other Delegates came from their House & brought the following answer to his Excell^{cy} Speech Viz.

To His Excellency the Governour

May it please your Excellency

We the Delegates of this Province at this time assembled beg leave to return your Excell^{cy} our most hearty & unfeigned thanks for your most favourable Speech and humbly beg p. 11
Leave to Join with your Excell in expressing our Thanks to Heaven for his most excellent Majesty King Georges peaceable Accession to the Throne of his Ancestors, the only happy remedy that would alleviate the Grief we are truly affected with for the loss of the best of Queens

Nothing can make us more truly Sensible of the Greatness of this Blessing than to see our Religion Laws & Libertys secure in his Majesty's royal Person and Issue, which puts an effectual Stop to those Insinuations that were secretly dispersed thro his Majestys Dominions that these invaluable Advantages were in danger than which nothing would be more Grievous to us, And which is now entirely removed by his Majesty's peaceable possession of the Crown, according

U. H. J. to the Settlement of the Succession in the protestant Line to which we shall Strictly adhere and always endeavour to approve ourselves a dutiful & Loyal People.

We shall apply ourselves with our utmost diligence to the Inspection of our Laws and to supply the defects that shall be found therein

We humbly submit to your Excell^{cy} opinion that since there has been an Act of Parliament lately made in great Brittain for encouraging the Tob^o Trade It will not be necessary for this House to Enter upon any thing of that nature in this province, And It is with the utmost Sense of Gratitude imaginable we acknowledge that most gracious Condescension of the Crown in parting with so considerable a part of the Revenue for our Relief Nor can we forgett the tender
p. 12 Care the Parliam^t of Great Brittain has expressed on our behalf in that particular.

We are so fully Satisfied how great a Benefitt the encouraging the making of Hemp would be to the Province that if an Act made the second day of April Anno Domini 1706 for encouraging the making Hemp and Flax within this Province shall not be found by Experience and further observation sufficient to that end we shall readily proceed to a further Consideration thereof and beg your Excellencys and the Honble Councill's Assistance therein

It is with infinite satisfaction we perceive your Excellency's good Inclination in General, to the Welfare & Advantage of this Province and particularly in recommending to us the improvement of navigation, and the Education of our youth; Things which will undoubtedly render us happy in our Circumstances, and considerable to our neighbouring Colonies, and which we think ourselves Obliged in duty to our Country to promote, as far as in us lyes, with regard had to the present poverty of this Province.

We must beg your Excellency's leave to refer what other matters of Weight you have proposed to our more deliberate Consideration

We likewise beg leave to acquaint your Excell^{cy} that the good Assurance you have given us of his Majesty's personal Virtues and the true representation of them in your Self together with that extraordinary Zeal & diligence you have always shewn for his Majestys Service & especially by your proclamation of his Rights in the most expeditious manner
p. 13 (after notice here) secure us so far of our happy Circumstances, that our common Good obliges us to pray for his

Majesty's long and prosperous Reign & your Excellency's v. H. J.
Health in a continued Government over us

Signed p order Tho^r Macnemara Cl ho Del.

The Honble Philemon Lloyd Esq^r having by his Letter to
his Excellency desired his present Attendance to be excused
he being very buisy in dispatching a Vessel It was admitted of.

The Board adjourned for two Hours

Post Meridiem.

His Excellency on Consideration of the Delegates' Loyal
Address to him, was pleased to send the following Letters to
the Speaker of their House by Col Holland, Col Coursey L^t
Col Young, and Col Addison

M^r Speaker

I desire you will acquaint the House that such hearty and
Loyal Expressions, as they have made choice of in their Ad-
dress, to shew their duty & Affection to his sacred Majesty's
Person, and Government cannot but be very acceptable to
the King nor shall I be wanting to represent (as I am firmly
perswaded) they flow from an Ardent Zeal for his Service

I rejoice to find that what I have proposed for the publick
Good makes such Impression on your minds which gives me
hopes the Effect may answer the Intention of promoting the
Welfare of this Province

I shall never want acknowledgements for their kind inclina-
tion to me, And whenever I am able to accomplish my earnest
desire of seeing Trade & good Literature flourish I shall look
upon it as the greatest Honour of my Life

29th April 1715

John Hart

The said Gentlemen of the Council carryed to the House p. 14
of Delegates a Copy of the Act of Parliament lately passed
for the Encouragement of the Tob^o Trade

Two of her late Majesty's royal Instructions (being read)
to his Excell^{cy} the Governour as followeth Viz.

You are to transmitt authentick Copys of all Laws Statutes
& Ordinances, that are now made & in force which have not
yet been sent, or which at any time hereafter shall be made
or Enacted, within our said province each of them separately
under the publick Seal unto us and our Commissioners for
Trade and Plantations within three months or by the first

U. H. J. opportunity after their being Enacted, together with Duplicates thereof by the first Conveyance upon pain of our highest Displeasure and forfeiture of that years Sallary

And that It may be better understood which Acts & Laws are in force in our said Province of Maryland you are with the Assistance of our Council there to take Care that all Laws now in force be revised and Considered, and if there be any thing Either in the Matter or Stile of them which may be retrenched, or Altered, you are to represent the same to us, with your opinion touching the s^d Laws now in force (whereof you are to send a compleat Body unto us and our Comm^{rs} for Trade & Plantations with such Alterations as you shall think requisite) To the End our Approbation or Disallowance may be signified thereupon

Advised and Resolved that the same be communicated to the House of Delegates and the following message be sent by the Honble John Hall Esq^r

p. 15 By his Excell^{cy} the Governour and Council in Assembly
April 19th 1715

His Excellency the Governour with the Advice of this Board has thought fitt to communicate to the House of Delegates the two above written royal Instructions

Signed p order W^m Bladen Cl Coun.

The Board adjourned till nine of the Clock to morrow morning

Saturday April the 30th 1715

The Honourable his Majesty's Council Sate Present as yesterday

The honble Philemon Lloyd Esq^r came & took the oaths appointed by Law Subscribed the Test and Abjuration oath, & took his place at the Board.

M^r Parran and M^r Dashield brought from the House of Delegates the following message

By the House of Delegates
April the 30th 1715

May It please your Excellency

On reading the Petition of Roger Boyce to this House complaining of an Embezzlement made of some of the Record Books in Calvert County, And on Inspection of the Record Book and Examination of M^r John Warren Deputy Clerk to

M^r Edw^d Boteler Clerk of Calvert County Court This House U. H. J.
finds reason to believe, And It is therefore Resolved Nemine
Contradicente that an Embezzlement was made in the said
Record Book, And as this House cannot proceed to punish
the Offenders They humbly desire your Excell may be pleased
to command the Attorney Genl to make a due Examination of p. 16
so hateful an offence And that Care be had to bring the per-
sons Suspected to be the offenders (if found guilty) to condign
punishmen^t that such Abuses may not hereafter be committed
with impunity

Signed p order Tho^s Macnemara Cl Ho Del.

Which being read at the Board his Excell with the advice
of the Board Ordered that his Majesty's Attorney General of
this Province take care to issue Summons in order to examine
witnesses & other needful Process ag^t any persons he shall
upon Examination of Evidence find reason to suspect to be
guilty of the said Offence in order to bring them to condign
punishment

And forasmuch as several Embezzlements of Records have
been made in this Province Resolved the following message
be sent to the House of Delegates Viz.

By his Excellency the Governour and Council in Assembly
April 30th 1715

In compliance with your Request in your Message this
day by M^r Parran and M^r Dashield His Excell^{ty} has been
pleased to order the Attorney General to issue Summons &
other proper process of the Provincial Court in order to Ex-
amine Witnesses & bring to condign punishmen^t all or any
Persons whatsoever who may reasonably be suspected to have
Embezzled the Records of Calvert County Court mentioned in
Roger Boyce's Petition

And whereas this is not the first offence of that nature that
has been represented to the Legislature of this Province:
His Excellency recommends it to your Consideration whether
It may not be advisable to make a particular Law this Session
for the punishment of such Offences which may hereafter be
committed within this province

Signed p order W Bladen Cl Coun.

Sent by M^r Secretary Lloyd

The Board adjourned for two Hours

p. 17

U. H. J.

Post Meridiem

The honble his Majesty's Council in Assembly Sate Present as in the morning

His Excell having been pleased to propose to the Board whether It might not conduce to the Advancem^t of the Tob^o Trade that all Tob^o in this Province should be got ready to be Shipped by the tenth day of May yearly and that no Tob^o be paid away or Shipped after that Time in any one year till the first of October following

The Gentlemen of the Board Severally gave their opinions and first the Honble L^t Col Richard Tilghman says he believes It will mightily conduce to the Advancement of the Staple & lessening the Freight by the Tobaccos being got ready by the tenth of May yearly and the rest of the Gentlemen of the Council agreeing therewith

Resolved Nemine Contradicente that necessary and effectual means be used to reduce this matter to practice.

And it being of great Consequence Resolved the Conference be desired with some of the members of the House of Delegates on the 6th of May next on this Subject

Whereupon the following Message was sent to the House by Col Young and Col Tilghman

By his Excellency the Governour & Council in Assembly
April the 30th 1715

p. 18 His Excellency and this Board being of opinion that if all Tobaccos in this Province were got ready in Cask by the tenth of May yearly and that no Tob^o should be paid away or shipped after that time till the first of October following in any one year It would mightily conduce to the advancement of our Staple and lessening of the Price of Freight have therefore thought fit to desire a Conference between some of the members of your House & of this Board to be held on Friday the 6th of May next upon that Subject

Signed p order W^m Bladen Cl Coun.

Col Young and Col Tilghman return & say they have delivered their message

The Board Adjourned till nine of the Clock on Monday morning

Monday May the 2^d 1715

His Majesty's honble Council in Assembly Sate

Present

U. H. J.

His Excellency the Governour &c.

The Honble	{	Col W ^m Coursey	Col Tho ^s Addison
		L ^t Col Saml Young	Col W ^m Whittington
		Col Tho ^s Greenfield	Philemon Lloyd Esq ^r
		L ^t Col Rich ^d Tilghman	

M^r Hill and three more of the Delegates brought the following message Viz.

By the House of Delegates

May the 2^d 1715

May it please your Excellency & Honours

In pursuance to your Message of the 30th of April last by L^t Col Young & Col Richard Tilghman

We have appointed Col Matthew Tilghman Ward Col John P. Macall, Major James Philips Cap^t Tho^s Truman Greenfield Major Roger Woolford & Cap^t S^t Leger Codd of this House to join some of your Honble Board in a Conference relating to the matter in your message but leave the place to be appointed by your Excell^y & Honours

Signed p order Tho^s Macnemara Cl Ho Del.

Which being read at the Board his Excell^y is pleased to appoint the honble Col Coursey Col Young Col Addison & Col Tilghman to join in Conference with the members appointed by the Delegates, but that It be recommended to the House to add to their Conferees as many more to wit twelve one out of Each County pursuant whereto the following message was sent to the House by Col Coursey and Col Addison

By the Council in Assembly

May the 2^d 1715

Gentlemen—

Your message this morning by M^r Hill and Others being read at the Board & the Subject matter of the Conference proposed being of extraordinary moment, We desire you will (if you think it adviseable) appoint a member of your House out of each County in the Province to confer with the Honble Col W^m Coursey Col Samuel Young, Col Tho^s Addison and Col Rich^d Tilghman, And if It may be agreeable to you His Excellency desires the Conference may be held at his House He having something of moment to offer which may save the Trouble of many Messages

Signed p order W Bladen Cl Coun.

U. H. J. Mr Hodson and Mr Dashield brought up a Bill for the rein-
 p. 20 vesting Mary and Ann Seward Daughters & Coheiresses of
 W^m Seward late of Dorchester County dec^d Son and Heir of
 George Seward formerly of the s^d County in a certain Tract
 of Land in Dorchester County called Sectar. Read in their
 House the first & Second times and Endorsed by especial
 Order will pass

Which Bill being read at the Board and the Lord Proprie-
 tary's Interest seeming to be concerned therein His Excel-
 lency is pleased to order a Summons to be sent to Charles
 Carroll Esq^r his Ldship's Agent to appear at this Board at
 three of the Clock in the Afternoon to offer what he has to
 say for his Lordship on the second reading of the af^d Bill
 which in the meantime is Ordered to lye on the Table

Whereupon summons was accordingly issued

The Petition of John Leatherwood of Baltimore County
 being read at the Board setting forth his great Age & Pov-
 erty and praying to be discharged from paying his Levys

And the Petitioner being represented to have been a good
 Liver and now a very poor honest Man is by his Excellency
 and this Board recommended to the Justices of Baltimore
 County Court to consider his Case & discharge him from
 paying his Levy

The honble Col W^m Holland came and was added to the
 Board

The Board adjourned till nine of the Clock to Morrow
 morning

Tuesday May the 3^d 1715

p. 21 The Honble his Majesty's Council Sate Present as yes-
 terday

The Petition of Major John Hawkins & Mr John Salter
 being read praying the Judgement of his Excell^{cy} and this
 Board whether Free white women marrying with negro
 Slaves ought to be Slaves also

Whereupon the Honble Col W^m Whittington offers to the
 Consideration of the Board that there was a Law made in
 Virginia imposing a Fine of twelve pound on any Person
 that should set a negro free, And in Case the negro so sett
 free did not depart the Colony in a certain time in the said
 Law Limited, such negro so sett free should be taken up by
 the Vestry and Sold as a Slave and the mony applied to the
 use of the Parish

His Excellency being pleased to communicate to the Board
 one of her late Majesty's royal Instructions to him and which

he is enjoined by his most Sacred Majesty to observe Relating U. H. J.
to Schoolmasters (to wit) prohibiting any persons to teach
Schools unless Qualified by taking the Oaths of Allegiance
&c to his Majesty and obtaining his Excellency's Licence for
keeping such Schools

It is thereupon Advised and Resolved that directions be
given to the Several County Courts in this Province to return
to his Excellency an Account of all Schools & Schoolmasters
together with their Judgements of the Capacities of such Mas-
ters in their respective Countys with all convenient Speed,
And that notice be given in full County Court that all Persons
keeping or intending to keep any School in this Province be
and are obliged to take the Oaths appointed to be taken
instead of the Oaths of Allegiance and Supremacy, And the p. 22
Oath appointed by the Act of Parliament made in the sixth
year of the Reign of her late Majesty for Security of her
Majesty's Person and Government, and Succession to the
Crown in the protestant Line and Subscribe the said Oath
and abjuration commonly called the Test upon which and a
Certificate of their good Capacity they may apply to his Excel-
lency for his Licence to teach their respective schools

Whereas his Excellency has been pleased to make Enquiry
what Books are wanting belonging to the Library and has
caused the several Books to be called over by the Catalogue
And thereupon several are found wanting and are supposed
to be lodged in several Persons Hands

Ordered therefore that the respective Sherriffs of the several
Countys give publick notice by affixing notes in the most
frequented Places of their Countys intimating that all Persons
whatsoever who have any Books belonging to the publick
Library are required to send them to the Reverend M^r Samuel
Skippon

Whereof they are not to fail on pain of being prosecuted
for detaining thereof

M^r Holdsworth and M^r Taylor brought from their House
the following Message

By the House of Delegates
May the 3^d 1715

May It please your Excellency

The Petition of Daniel Philips of Calvert County to this
House herewith sent seeking for a Recommendation of his
Case about a Judgement obtained against Henry Mitchell
(whose Administrator your Petitioner is) being read the Peti- p. 23
tioners Case being found by the House to be deplorable is

U. H. J. humbly referred to your Excellency for all the Relief that may be given by giving directions in relation to the prosecution and favourably representing his Case to his Majesty

Signed p order Tho^a Macnemara Cl Ho Del.

With the Petition of Daniel Philips surviving Exec^r of Col Henry Mitchell late of Prince Georges County dec^d and the said Petition being read at the Board, and several new facts being alledged therein which were not ever before offered Resolved that Tho^a Macnemara Esq^r who is concerned for the Crown in the prosecution of the af^d Navigation Bond and at present attending the House of Delegates as their Clerk have notice to attend this Board at Eleven of the Clock to morrow morning when the said Petition & Recommendation will be again read and that the following Message be sent to the House of Delegates.

By his Excellency the Governour & Council in Assembly
May the 3^d 1715

Upon reading the Petition of Daniel Philips the Surviving administrator of Col Henry Mitchell late of Calvert County deceased with your Recommendation in the Petitioners Favour, Several new facts being offered & Alledged in the said Petition, and M^r Tho^a Macnemara who is at present attending upon the House as Clerk thereof being chiefly concerned for the Crown in prosecution of the Navigation Bond mentioned in the s^d Petition we desire you would give the said M^r Macnemara leave to attend this Board to morrow morning at eleven of
p. 24 the Clock when the said Petition will be again read here.

Signed p order W Bladen Cl Coun.

Sent by Col Whittington

Ordered that notice be given to the Petitioner Daniel Philips to attend at the same time with his Council

M^r Rousby and three more of the Delegates came & brought the following Message Viz.

By the House of Delegates
May the 3^d 1715

May It please your Honours

In compliance with your message of yesterday by Col Coursey and Col Addison This House has appointed Col Ward Col Macall Cap^t Greenfield Cap^t Codde, M^r Hill, M^r Harrison, M^r Hopkins, Major Woolford, Major Philips, M^r

Tyler Major John Ward, M^r Wright & M^r Garrett to confer U. H. J. with the members appointed by your Honble Board on Friday next at one of the Clock in the Afternoon at the place proposed about the Subject matter And we must acknowledge that his Excellency's offer to assist at this Conference, and That at his own House is a Confirmation to us of his good Intentions to promote the Welfare of this Province for which we return his Excell^{cy} our hearty Thanks

Signed p order Tho^s Macnemara Cl Ho Del.

His Excellency (acquainting the Board that there have been several Complaints made to him against M^r William Tibbs Rector of St Pauls Parish in Baltimore County by the Church Wardens of the said parish & others and Several Certificates Sent of the s^d M^r Tibbs's Evil Behaviour) Proposes to the Council whether It may not be adviseable that the said M^r Tibbs & the Complaint^s be summoned to attend his Excellency at this Board on this Day seven night at Eleven of the Clock in the forenoon touching the said Complaints p. 25

Advised & resolved that the said M^r Tibbs & the Complainants be Summoned to attend here at this Board at that Time

The Petition of Major Thomas Hicks & of Benjamin Woodward & his wife being read at the Board Ordered that the Petitioners have notice to attend with their Council at five of the Clock in the Afternoon

His Excellency proposed to the Board that a convenient House should be erected for keeping & preserving in this City the publick Arms It being according to his Instructions

The Board adjourned for two Hours

Post Meridiem

The Council Sate Present as in the morning

His Excellency the Governour is pleased to propose to the Board that an Act of Recognition of his most Sacred Majesty's Right & undoubted Succession to the Crown of the Realm of Great Brittain & other his Majesty's Kingdoms & Dominions be prepared to be Enacted by this present Session of Assembly

And the Question being put whether such a Bill shall be prepared and read at the Board It was resolved in the Affirmative Nemine Contradicente

A Bill Entituled a most joyful and just Recognition of the immediate Lawful & undoubted Succession and Right of the Crown of Great Brittain and of the Kingdoms & Dominions p. 26

U. H. J. thereunto belonging, Was read at the Board & ordered to be Endorsed will pass Nemine Contradicente

Again the af^d Bill was ordered a Second reading and being read & Endorsed, Read the second time & passed Was ordered to be carryed to the House of Delegates by all the members of this Board

Charles Carrol Esq^r the Lord Proprietary's Agent Major Hicks & Benjamin Woodward by their Council appeared according to notice given them

But M^r John Brannock who said he was of Council for the said Woodward alledging that M^r Wornell Hunt the Person originally employed to Sollicit the Bill is gone to Philadelphia And that he is not prepared with Sufficient Council further time is given him till five of the Clock to morrow in the Evening at which time the said Bill is ordered to be read & all Party's to attend

The Board adjourned till nine of the Clock to morrow morning

Wednesday May the 4th 1715

The Honble his Majesty's Council in Assembly Sate. Present as Yesterday save M^r Philemon Lloyd

His Excell was pleased to communicate to the Board the 69th Article of his Instructions Viz

You are to take especial Care fitt Store Houses be Settled throughout this our Province for receiving and keeping the
p. 27 publick Arms & Ammunition and all other publick Stores

Also the 67th Article of his Instructions in the following Tenour Viz.

You are to demand an Account from all persons concerned of the Arms & Ammunition and Stores sent to our said Province from the Office of Ordinance here as likewise what other Arms Ammunition & Stores have been bought with the publick mony for the Service of our said Province, and how the same have been employed, And whither any of them and how many of them have been sold, spent Lost, decayed, or disposed of, and to whom & to what uses, which account is to commence from the time that the last Account was delivered in to the late Governour of that Province and you are to transmitt the said Account to us And to our Commⁿ for Trade and Plantations as af^d

Whereupon It is ordered that the Colonels of the Militia in the several Countys forthwith enquire what publick Arms & Ammunition there is in their Several Countys, And what

Arms & Ammunition have been sold spent lost decayed or U. H. J. disposed of & to whom & to what uses since the 30th day of July Anno Domini 1709 when the Account of Arms was delivered to his Excellency John Seymour Esq' And that they transmitt the said Accounts to his Excellency the Governour together with an exact Account of all other publick Arms and Ammunition in their several Countys with all possible Speed and Diligence

Cap' Purnell and Cap' Ballard brought from the House of Delegates a Bill supplying a defect in the last Will and Testament of John Paramore dec^d Endorsed p. 28

By the House of Delegates
May the 4th 1715

Read the first and second time by especial Order and will pass

Which being read at the Board & It being observed that there does not appear any Notice was given to Thomas Paramore who claims the Land & has It in his Possession by his under Tenants

His Excellency and this Board desire to know what proof has been made of such Notice given before the Bill passes this Board

The s^d Bill with such Endorsement was sent to the Delegates by the honble Col. W^m Whittington

Pursuant to the order yesterday made upon M^r Daniel Philips's Petition M^r Thomas Macnemara appeared at the Board and likewise M^r Daniel Philips with his Council who offered to his Excell^{ty} Consideration a certain Affidavit made by one Matthew Driver (mate of the Ship for the due navigating whereof Col Henry Mitchell entered into the Bond in the said Petition mentioned) setting forth that tho' he had left the Ship yet some considerable time after Viz about two years he being in New England & meeting with one of the Sailors that belonged to the s^d Ship in that Voyage & Enquiring after the Ship's Crew He told him the Ship was by Stress of Weather driven on Shoar in Ireland and most of the Tob^o lost except a very little which was put into the Hands of the Custom House Officers

His Excellency is pleased to ask the Advice of the Gentlemen of the Board what may be proper to be done on this occasion p. 29

Who are all of opinion that It is not adviseable for his

U. H. J. Excell^y to Suspend the prosecution of the King's Suit against the Petitioner

And thereupon the following Message Was Sent to the Delegates

By his Excellency the Governour & Council in Assembly
May the 4th, 1715

Upon reading Your Message in favour of M^r Daniel Philips Surviving Administrator of Col Henry Mitchell heretofore of Calvert County dec^d & the said Philips' Petition, The Petitioner together with his Council has been heard at this Board but not making good the Allegations in his petition, or offering other Sufficient matter to induce his Excellency to Suspend the prosecution of his Majesty's Suit against him, It has been resolved by this Board nemine contradicente, that It is not adviseable for his Excell^y to give any directions for Suspending the prosecution of the said Suit especially considering the express Instructions his Excell^y has received upon these occasions.

Signed p order William Bladen Cl Coun.

The above Message Sent to the Delegates by Col Greenfield together with the Petition

The Board adjourned for two Hours

Post Meridiem

p. 30 The Council Sate Present as in the morning with the Addition of Philemon Lloyd Esq^r

M^r Tyler and fifteen more of the Delegates brought up from their House an Engrossed Bill Being a most joyful and just Recognition of the immediate lawful and undoubted Succession and Right of the Crown of Great Britain and of the Kingdoms and Dominions thereunto belonging

Read and Assented to by their House

Which was again read at the Board & assented to by his Majesty's honourable Council

And his Excellency was pleased to command Col Coursey, Col Young, Philemon Lloyd Esq^r & L^t Col Richard Tilghman to go and acquaint the House of Delegates that his Majesty's honble Council have assented to the Bill

And that his Excellency requires M^r Speaker and the Delegates to attend him in the Council Chamber to see the royal Assent given to the said Act

The said Gentlemen return & say they have delivered their U. H. J. Message

Whereupon M^r Speaker and the Members of the House of Delegates came & attended his Excell^{cy} in Council and Saw the said Act Entituled a most joyful & just Recognition of the immediate & undoubted Succession and right to the Crown of Great Brittain & of the Kingdoms & Dominions thereunto belonging Sealed with the great Seal used in this Province and Assented to by his Excell^{cy} the Governour on behalf of our Sovereign Lord the King

And then M^r Speaker & the Delegates took leave & with- p. 31
drew to their House

The Petition of the generality of the Freeholders on the South side of Potapsico River in Baltimore County praying they may be united to Ann Arundel County by making Potapsico River & the main Branch thereof the Bounds to divide the s^d County

Being read & thought reasonable is referred to the Consideration of the House of Delegates & sent to them by John Hall Esq^r

The Petition of M^r Philip Freeman Read & ordered to lye on the Table until the Law relating to the Sherriff's Office is revised And that the Matter of Sherriff's taking forbearance be then considered

Major Hicks with his Council & M^r John Brannock of Council with Benjamin Woodward of Dorchester County according to the order of yesterday appeared And the Bill for reinvesting Mary & Ann Seward Daughters & Coheir-esses of W^m Seward late of Dorchester County deceased Son & Heir of George Seward formerly of the said County in a certain Tract of Land in Dorchester County called Sectar being again read at the Board and both Partys being heard thereto And It being offered that the Petitioners were reliev-able in the High Court of Chancery by scire facias against the Assignees of the original Patentee to shew Cause why the Patent should not be vacated

His Excell^{cy} is pleased to propose to the Board whither they think it further advisable the Bill should be further proceeded on at this Board or that the Petitioners should be directed to apply to the Court of Chancery in order to vacate the Patent p. 32

The Board are of opinion that where there is relief to be had in the Court of Chancery the Petitioners ought to seek it there before they apply to the General Assembly And since the Law has pointed out a Method for vacating the s^d Patent It is not advisable for the General Assembly to interpose

U. H. J. therein to vacate his Lordships Grant or make the Petitioners a title to the Land which ought to come properly from his Lordship and will not be denied upon the former Patent being vacated

Ordered that the s^d Bill be so Endorsed & sent to the House by Col Holland Col Coursey Col Young & Col Addison

And if the House of Delegates insist upon the Bill being passed as proposed This Board are willing to give to the House a Conference between some of the Members of their House & of this Board on this Occasion

The Board adjourned till nine of the Clock to morrow morning

Thursday May the 5th 1715

The honble his Majesty's Council Sate Present as yesterday
 M^r Fendall and M^r Stone brought from the Delegates a Bill making valid & Effectual in Law a deed poll made by Col James Smallwood late of Charles County deceased to his Son Ledstone Smallwood & his Grandson John Smallwood
 p. 33 of a Tract of Land lying in the said County near Port Tobacco and Vesting them in an Estate in Fee Taile General in the s^d Tract according to the true Intent & meaning of the s^d Deed.
 Endorsed

By the House of Delegates
 May 5th 1715

Read the first & second time by especial Order and will pass

Signed p order Tho^s Macnemara Cl Ho Del

The said Bill was read at this Board & ordered to be read again to morrow morning

The Petition of Several Inhabitants of Baltimore County Read & rejected.

Ordered that Cap^t John Dorsey Sherrieff of Baltimore County attend this Board at four of the Clock in the After-noon

Post Meridiem

The Council Sate Present as in the morning

Cap^t Codd & Cap^t Blay presented from the Delegates M^r Andrew Hamilton a member elected for Kent County to be Qualified by taking the Oaths Which were administred unto him by the Honble Col Holland And in their presence he subscribed the Test & Oath of Abjuration

Capt Dent & M^r Harrison brought the following message U. H. J.
from their House Viz

By the House of Delegates
May the 5th, 1715

May It please your Excellency

By an Act of Assembly of this Province Entituled an Act
for Amerciaments in the Provincial & County Courts made
the 23^d Septem^r 1704 All Amerciaments in the Provincial
Court are to be employed as the Governour & Council think p. 34
fitt But It not appearing to this House how the same have
been Employed or that they have been accounted for since
the passing that Act humbly pray your Excell will order an
Account of them to be laid before us this Sessions

Signed p Order Tho^s Macnemara Cl ho. Del.

Upon reading whereof his Excellency is pleased to Enquire
how the said Amerciaments have been disposed of And is
informed by the Clerk of the Board that by an Order of
Council made in his Excell^y Govern^r Nicholson's Time the s^d
Provincial Amerciaments were Settled upon the then Clerk of
this Board M^r Henry Denton the better to enable him to keep
a Clerk And afterwards upon the present Clerks coming into
the Office he had Execution granted to him at two several
times for them once in his Excell^y Col Blakiston's Time &
once during Col Seymour's Government by virtue whereof
he received a Small Sum of Tob^o scarce worth his Trouble &
Charge in making them out to the several Countys And is
ready to render an Account to the Board of what he has
received thereof

And thereupon the following message was sent to the Dele-
gates—Viz

By his Excellency the Governour and Council in Assembly
May the 5th, 1715

On receipt of your Message by Cap^t Dent & M^r Harrison
his Excellency has been pleased to enquire how the Provin-
cial Amerciaments have been disposed of and was informed p. 35
by the Clerk of this Board that by an Order in Council made
in Governour Nicholson's time the said provincial Amercia-
ments were Settled upon the then Clerk of the Council M^r
Henry Denton the better to enable him to keep a Clerk And
afterwards Upon the present Clerk's coming into the Office
he had Execution granted him at two several times for them
once in his Excellency Col Blakiston's Time and once during

U. H. J. Col Seymours Government by Virtue whereof he has received a Small Quantity of Tob^o scarce worth his Trouble and Charge in making them out, to the several Countys And will be ready to render an Account of what he has received thereof

Signed p order W Bladen Cl Coun.

Sent by Col Whittington

Proposed by his Excellency the Governour pursuant to his Instructions that an Account of all Fines & Forfeitures within this Province since the last Time the Account thereof was transmitted to the Lord Treasurer of England be by the proper Officers transmitted to his Excellency & this Board with all convenient Speed

And Resolved by the Board unanimously that such Orders be issued

A pretended summons in his Majesty's Name directed to the Sherriff of Dorchester County to summon Arbella Kilman to appear and give Evidence before the Justices of Dorsett County Court in a Matter of Controversie in the said Court depending betwixt John Seward Plaintiff & Aaron Tunis Defendant p. 36 Wittnessed John Brannock the 5th March 1714 & Subscribed Philmon Sherriffe Being Shewed at the Board & John Brannock an Attorney of Dorchester County Court being Supposed to have forged & made use of the Same

It was put to the Question & Resolved & Ordered that his Majesty's Attorney General issue Summons & examine all such Wittnesses as He shall have account of concerning the s^d Matter and in Case there be good Reason to Suspect the said Brannock to be guilty that He issue proper Process of the Provincial Court against him and take Care to have him indicted therefore

The Board Adjourned till nine of the Clock to morrow morning

Friday May the 6th 1715

The honble his Majestys Council Sate Present as yesterday

Cap^t Mariartee & M^r Wharfield brought up from the Delegates a Bill for the making Good and Valid a certain Indenture or Deed of Bargain and Sale from W^m Llunn late of Ann Arundel County deceased to Thomas Larkin Gent

Endorsed Read in their House the first & second time by especial Order & will pass

Which was Read at this Board & Ordered to be so En- U. H. J.
dorsed & will pass. Was sent to the Delegates by Col
Greenfield

M^r Tyler and three more brought the following Message
Viz.

By the House of Delegates
May the 6th 1715

P. 37

May It please your Excellency and Honours

The two Royal Instructions sent us by John Hall Esq^r on
the 29th of last month being considered in order to Effect
what is therein mentioned And that we may the better under-
stand what your Excell^{cy} & Honours take to be our Duty in
that Affair desiring some of the honble members of your Board
may be appointed with some of this House about that Sub-
ject to morrow morning

Signed p order Tho^s Macnemara Cl Ho Del.

Which being read at the Board It was put to the question
whither a Message should not be sent to the Delegates
acquainting them that the Conference by them desired relat-
ing to the a^d Royal Instructions is agreed to by this Board
And further if It may be with their good Liking It is desired
the members of their House & of this Board appointed to
hold the Conference this day relating to Tobaccos being got
ready, may be appointed of this Conference & held this After-
noon at his Excellency's House Where his Excell^{cy} will shew
his original Instructions and offer some Reasons to their
Consideration which is desired for the better dispatch of
Business

And Resolved such Message be Sent to the House Viz

By his Excellency the Governour and Council in Assembly
May the 6th 1715

Gentlemen

In answer to your Message by M^r Tyler and three others
of your House we acquaint you that the Conference therein P. 38
by you desired is agreed to by this Board And further if It
may be with your good liking It is desired the members of
your House & of this Board appointed to hold the Conference
this Day relating to Tobaccos being got ready may be ap-
pointed of this Conference and that It may be held in the
Afternoon at his Excellency's House where he is pleased to
say he will shew them his Original Instructions & offer some
Reasons to their Consideration, All which is desired for the
better dispatch of Business

Signed p order W Bladen Cl Coun.

U. H. J. Cap^t Greenfield and M^r Baker brought up a Bill for uniting new Port Hundred now part of King and Queen Parish to W^m & Mary Parish in Charles County & for reuniting the Same to King & Queen's Parish in S^t Mary's County Endorsed Read the first & Second time in their House & will pass, the said Bill was by especial order read the first & second times And being so Endorsed will pass Was sent to the House by Philemon Lloyd Esq^r

The Bill for confirming the Deed Poll made by Col James Smallwood to his son Ledston Smallwood & his Grandson John Smallwood of a Tract of Land lying in the s^d County near Port Tob^o and vesting in them an Estate in Fee Taile General in the said Tract according to the true Intent & meaning of the s^d Deed, Being again read according to the Order yesterday

And It being suggested at this Board that there are Heirs of Col Smallwood Who have not had due notice of this Bill being now passed

p. 39 Put to the Question and Resolved that the passing thereof be referred till due notice is given them

And being so Endorsed was sent to the House by Col Whittington

Col Ward & ten more brought up the following message Viz.

By the House of Delegates
May the 6th 1715

May It please your Excellency and Honours

This House agrees with the Proposal made in your message of this day by Col Coursey, L^t Col Young Col Tho^s Addison & L^t Col Richard Tilghman

Signed p order Tho^s Macnemara Cl Ho Del.

The Board Adjourned till nine of the Clock to morrow morning

Saturday May the 7th 1715

His Majesty's honble Council Sate Present as yesterday save Philemon Lloyd Esq^r & L^t Col Richard Tilghman who had leave to go home on Urgent Occasions

The Gentlemen of the Board appointed upon the two Conferences held yesterday at his Excellency's House deliver to his Excell their Reports from the s^d Conferences Which were read & approved of

M^r Mariartee & M^r Hill brought up a Bill to Supply certain U. H. J. Defects in conveying of Lands from Matthew Beard to Stephen Wright & from Stephen Wright to Samuel Chambers of Ann Arundel County Gent

Read in their House the first & second time And by especial Order Endorsed will pass

Which by especial order was read the first & second time p. 40 & being Endorsed will pass was sent to the House of Delegates by the Honble John Hall Esq^r

Col Ward and five more brought from the Delegates the Conferees Report on the Conference about Tob^o and hh^m with the Endorsement by the House of Delegates

Which said Report & Endorsement being read at the Board is agreed to by his Majesty's honble Council & is as follows Viz.

At a Conference between the members appointed by the Honble his Majesty's Council and the members of the House of Delegates appointed by their House held at his Excellency's House in the City of Annapolis the 6th day of May in the first year of the Reign of our Sovereign Lord King George of Great Brittain &c Annoq Domini 1715 to consider how to advance the Staple of this Province by having all Tobaccos packed and shipped more early in the year

Present of his Majesty's honble Council

The Honble Col W^m Coursey L^t Col Saml Young Col Tho^s Addison & L^t Col Richard Tilghman

Of the House of Delegates

Col Matthew Tilghman Ward	Maj ^r Roger Woolford
Cap ^t Tho ^s Trueman Greenfield	Ma ^r James Philips
Cap ^t St. Leger Codd	M ^r Robert Tyler
M ^r Joseph Hill	Major John Ward
Col John Macall	M ^r Char ^s Wright
M ^r Joseph Harrison	and
M ^r Sam ^l Hopkins	M ^r Amos Garrett

Who proceed to choose a Chairman and unanimously Elect p. 41 the Honble Col W^m Coursey to be Chairman of this Conference and W^m Bladen Clerk thereof

Then was read the following proposal from his Excellency the Governour

Offered to the Consideration of the Assembly

Whither It may not be proper to find some Expedient for the stripping packing & paying away Tob^o earlier in the year

U. H. J. than has been of late usual for that the same would prove very advantageous to the Country in General is conceived to be beyond dispute because that the longer the Tob^o hangs the more It loses in its scent Freshness Substance Weight & Goodness in every respect & consequently is of less value when It comes to Markett being so wasted that there remains only the Shape & nothing of the Substance of Tob^o

It will be an essential method to quicken Trade for thereby all Purchasers as well as those that come upon freight may with far less expence be dispatched And consequently the one may afford to give the better pennyworth & the other to go at a cheaper Freight

And It being Evident that the want of getting Cask Timber timely seasoned and fitt to be sett up and the delay used by Coopers proceeding in a great measure from the uncertainty of their pay is the chief Cause of the backwardness in getting the Tobaccos ready for shipping, Whither a Law appointing a certain time in the year for getting such Cask timber ready And for Coopers to sett the same up would not prove beneficial and for the Cooper's Encouragem^t to have his pay upon
 p. 42 Execution. Such Law would certainly prove highly beneficial not only for the dispatch in Trade but likewise in saving of the Sloops Flatts & other Craft of the Country from being destroyed by the Worm for in getting the Tob^o timely ready such Craft need not be running after the worm bites, nor the Ships be forced to stay so late And be also damnified.

It would be a means for all Tob^o to come regularly and much near the same time to Markett And thereby All Traders be at a Certainty how to govern themselves But if the Trade continues to have Ships drop in all the year round The Tobacco Buyers will purchase no more at a time than just from Hand to Mouth.

Whereas on the contrary if all the years Crop went to Market much at a Time the Buyers would according to the Exigencys of their Trade purchase their whole years Stock at once And thereby in all probability the Price of that Commodity would always be kept up

May 6th, 1715

John Hart

And thereupon Resolved by Majority of Voices that It would be of great Advantage all Tob^o should be got ready to be shipped earlier than usuall It has been of late years But that It would be prejudicial to the good People of the Province that any prefixed time should be limited for the shipping of tob^o

After which It was considered whither the Planters should

not be obliged to have their Cask Timber hewn by a certain U. H. J. time in every year And whither It may be fitt to oblige the Coopers to sett up all Casks yearly by a prefixed time

And Agreed by a Majority of the Conferees that It may be P. 43 very advantagious to the Province in General that the Planters have their Timber hewn by a certain time And that all Coopers sett up their Casks by a prefixt time in every year.

Then the Conferees proceeded to a Consideration of that part of the Proposal relating to the encouraging of Coopers by giving them Execution for their pay And It was carryed by Majority of Voices that the said Coopers Pay be upon Execution at the rate of Eighty pounds of Tob^o or six shilling & Eight pence for every Tonn of Cask at the Election of the employer

Signed p order W Bladen Cl Conl.

As also the said Col Ward and the other five Delegates brought up the Report from the Conference about revising and reenacting the Laws agreed to by the House of Delegates. Which is in the Tenour following Viz

At a Conference between the members appointed by the honble his Majesty's Council and the members of the House of Delegates appointed by their House held at his Excellency the Governour's House at the City of Annapolis this Sixth day of May in the first year of the Reign of our Sovereign Lord King George of Great Brittain &c. Annoq Domini 1715 To consider of two of the Royal Instructions communicated by his Excell^{ty} to the Delegates

Where were Present of his Majesty's honble Council

The honble { Col W^m Coursey Col Tho^s Addison &
 { L^t Col Sam^l Young L^t Col Rich^d Tilghman P. 44

And of the House of Delegates

Col Matt. Tilghman Ward	Maj ^r Roger Woolford
Cap ^t Tho ^s Trueman Greenfield	Maj ^r James Philips
Cap ^t S ^t Leger Codd	M ^r Robert Tyler
M ^r Joseph Hill	Maj ^r John Ward
Col Jn ^o Macall	M ^r Char ^s Wright
M ^r Joseph Harrison	and
M ^r Sam ^l Hopkins	M ^r Amos Garrett

Who proceed to the Choice of a Chairman and unanimously elect the honble Col W^m Coursey Chairman of this Conference & W^m Bladen Clerk thereof

U. H. J. Then was read the two following royal Instructions Viz.

You are to transmitt authentick Copys of all Laws, Statutes and Ordinances that are now made & in force, Which have not yet been Sent or which at any time hereafter shall be made or Enacted within our said Province each of them separately under the publick Seal, unto us and our Commissioners for Trade & Plantations within three months or by the first Opportunity after their being Enacted together with Duplicates thereof by the next Conveyance upon pain of our highest Displeasure & Forfeiture of the years Salary

And that It may be the better understood what Acts & Laws are in force in our said Province of Maryland you are with the Assistance of our Council there to take Care that all Laws now in force be revised & Considered And if there be
p. 45 any thing Either in the matter or Stile of them which may be retrenched or altered you are to represent the same to us with your opinion touching the said Laws now in force (Whereof you are to send a compleat Body unto us & to our Comm^{rs} for Trade & Plantations) with such Alterations as you shall think requisite to the End our Approbation or disallowance may be Signified thereupon

And as to the Instruction relating to the revising the Laws of this Province and sending a compleat Body for his Majesty's Approbation or disallowance The Conferees are of opinion that all such Laws of this Province which want amendment be reenacted this Session and Sent to his Majesty and the Lords Comm^{rs} for Trade and Plantations under Separate Seals and that as to all other Laws of this Province which seem to be good & Effectual and want no Amendment It will be fitt they be transcribed on parchment & sent under Separate Seals with the others that a compleat Body of all our Laws may be collected together and sent home for his Majesty's approbation or disallowance

Signed p order W Bladen Cl Coun.

Which was also agreed to by this Board and the honble Col W^m Holland & L^t Col Sam Young are appointed to join with the Committee of Laws appointed by the House to revise the Laws

And the following Message was sent to the House by Col Holland & L^t Col Young

By the Council in Assembly
May the 7th, 1715

The Report of the Conferees about Tob^o & Hhds together
p. 46 with your Endorsm^t thereon have been read at this Board

And we do agree thereto Likewise the Report of the Conferees about revising the Laws has been read together with your Concurrence thereto Endorsed To which we do also Concur and have appointed the honble Col W^m Holland and L^t Col Sam^l Young to join your Committee of Laws in revising them

Signed p order W Bladen Cl Coun

The Board adjourned for two hours

Post Meridiem

The Council Sate Present as in the morning except Col Holland & Col Addison who had Leave to go home

M^r Hill and Cap^t Greenfield brought up from the House of Delegates An Engrossed Bill Entituled an Act repealing an Act for uniting Newport Hundred now part of King & Queen's Parish to W^m & Mary Parish in Charles County And for reuniting the same to King & Queen Parish in S^t Mary's County Read & assented to by the House of Delegates

And a Bill for making good & Valid a certain Indenture or Deed of Bargain & Sale from W^m Lunn late of Ann Arundel County deceased to Thomas Larkin Gent.

Read & assented to by the Delegates.

And the said Bills were Severally read and assented to by this Board

M^r Bordley and M^r Wharfield brought up a Bill Entituled an Act to Supply certain Defects in the conveying of Lands from Matthew Beard to Stephen Wright & from Stephen Wright to Samuel Chambers of Ann Arundel County Gent. Read & assented to by the House of Delegates

The Board adjourned till ten of the Clock on Monday p. 47 morning

Monday May the 9th 1715

The honble his Majesty's Council in Assembly Sate

Present

His Excell^{ty} the Governour &c

The Honble	{	Col W ^m Holland	}	Col Tho ^s Greenfield
		Col W ^m Coursey		John Hall Esq ^r
		L ^t Col Sam Young		Col W ^m Whittington

The Engrossed Bill brought up on Saturday night by M^r Bordley and M^r Wharfield Entituled an Act to Supply certain Defects in the Conveying of Lands from Matthew Beard to

U. H. J. Stephen Wright & from Stephen Wright to Samuel Chambers of Ann Arundel County Gentleman, Being read at the Board was assented to by his Majestys Council. And the Honble Col William Whittington was sent to the Delegates to acquaint them that his Majesty's Council have assented to the said Bill and the two other Engrossed Bills Viz.

A Bill for confirming a Deed frō Wm Lunn to Thomas Larkin. And A Bill to Supply defects in conveying Lands from Matthew Beard to Stephen Wright & from Stephen Wright to Samuel Chambers Gent

And the Bill for reuniting Newport Hundred to King & Queen's Parish

M^r Hamilton & five more brought up the following message viz.

By the House of Delegates
May the 9th 1715

May It please your Excellency

We find in the Journal of October 1714 the following Message Viz

By the House of Delegates
7th Octob 1714

p. 48 May It please your Excellency

Your Excellency (on the humble Address of this House of the Second of July 1714 praying directions to be given to her Majesty's Receivers to lay their Accounts of the 3^d p Hh^d applied by her Majesty for purchasing Arms & Ammunition for the defence of the Province before this House this Sessions), was pleased to return in answer thereto that directions were given the said Receivers accordingly But the same not being yet done We pray your Excellency's further directions about the same and that an Account of the Fines & Forfeitures received by the said Receivers be likewise laid before this House this Sessions

Signed p order Tho' Macnemara Cl ho Del

But that Sessions of Assembly not proceeding on any Business nothing was done therein therefore we beg leave to remind your Excellency thereof that the said accounts be laid before us this Sessions

Signed p order Tho' Macnemara Cl Ho Del.

Which being read the following answer was sent thereto

By his Excellency the Governour & Council in Assembly U. H. J.
May the 9th 1715

In answer to your message by M^r Hamilton & others His Excellency is pleased to acquaint you that M^r John Rousby his Majesty's Receiver of the district of Patuxent has given him his Account of the 3^d p Hh^d appropriated for purchasing Arms Which shall be laid before your House in the Afternoon & on Saturday last his Excell^{ty} gave orders for M^r John Dansey Receiver of his Majestys District of Potowmack to appear before the Council with his Accounts of the said Revenue of p. 49 Fines & Forfeitures in order to be laid before the Assembly
Signed p order W Bladen Cl Coun.

Sent by the Honble Col Coursey & John Hall Esq^r

The Petition of Ledston Smallwood son of Col James Smallwood and of John Smallwood Grandson of the said Col Smallwood read praying to be heard against any objections offered against passing the Bill for confirming the Deed Poll made by Col Smallwood And ordered to be heard by their Council in the Afternoon

The Petition of Cap^t John Dorsey Sherriff of Baltimore County Read and Ordered to lye on the Table till the Bill relating to the Sherriffs Office be revised

The Board adjourned for two Hours

Post Meridiem

The Council Sate Present as in the morning

M^r John Rousby his Majesty's Receiver of the District of Patuxent, his Account of the 3^d for Arms laid before the Board

And Ordered that the honble Col W^m Coursey go and carry the said Account to the Delegates for their Inspection.

His Excellency observing that the Assembly had now Sate fifteen days And that little publick Business had yet been done with the Advice of the Board It was put to the Question & resolved Nemine Contradicente that the following Message be sent to the Delegates

By his Excell^{ty} the Governour & Council in Assembly
May the 9th 1715

Gentlemen—

p. 50

We cannot omitt remarking to your House that this Session of Assembly has now Sate near fifteen days In which Time very little of the publick Business is compleated Therefore We must desire you will not take it in ill part We put you in

U. H. J. mind of that Clause of his Excellencys Speech at the opening of the Session, intimating the Great Burthen the Province sustains in frequent & long Assemblies

Signed p order W Bladen Cl Coun.

Sent by Col Greenfield M^r Hall & Col Whittington who return & say they have delivered their Message

Cap^t Ballard & M^r Purnell brought up a Bill for Supplying some Defects in the last will & Testament of John Paramore deceased And the Title of the s^d Bill being read with a Letter & Affidavit thereto annexed

Resolved that It does not appear to this Board that a Judicial notice has been given to the Possessor of the Land And thereupon the said Bill was Sent to the House by the Honble Col Whittington Who is directed to lay an original Letter directed to him from Tho^s Paramore before the Delegates

The Board adjourned till nine of the Clock to morrow morning

Tuesday May the 10th 1715

The Honble his Majesty's Council Sate Present as yesterday

Then was read the following Address to his Excell^{cy} the Governour presented by M^r Richard Johns Doctor Mordecai Moore & M^r Samuel Galloway Viz

To John Hart Governour of the Province of Maryland and Council

p. 51 The Address of the People called Quakers inhabiting in the said Province is in humble manner presented Shewing That about forty years past the said People have yearly kept a Religious meeting for the Worship of Almighty God at West River in Ann Arundel County and at the Head of Tred Haven in Talbot County in the said Province Which said meetings have been yearly kept by the said People in peaceable manner until of late years they have been greatly disturbed by means of several Persons that at those meeting times bring Drink or Sell & dispose of It near or within some small distance of the s^d meeting places whereby great Evils & Immoralities have been committed by Drunkenness fighting Hooping hallowing Swearing Cursing Wrestling Horse Racing & abundance of Wickedness & Immoralities & notwithstanding that upon Application made to former Governours of this Province & Council Several Orders for Suppressing

the said Evils have been published yet in Contempt of U. H. J. Government have the same been Continued & rather grows worse Wherefore the humble Request of the said People is that some effectual measures may for the future be taken for Suppressing the s^d Evills as in your Wisdom you shall see meet

And It being thought reasonable the s^d People in their Request should be gratified & Enjoy his Majestys royal Protection It was Considered what may be the most Effectual means to protect the said People in their said peaceable yearly meetings

And Resolved and Ordered that no Booths be set up or p. 52 any Liquors sold within two miles of Either of the said meeting Houses Except at a Licenced Ordinary And that no Persons whatsoever presume to make any disturbance by wrestling or Horse racing or using any other Sports or Exercises by which any Annoyance may be given the said People called Quakers. And further all Magistrates Sherriffs & Constables are to take Care to keep the Peace and Suppress all Riotts & riotous Persons at or near the said meeting Houses And particularly that the Sherriffs of Ann Arundel & Talbott Countys cause one of their under Sherriffs and also summons the Constables of the Parish where the meetings are held to give their Attendance near the said meeting Houses at the Time of their yearly meeting And carefully to observe & take into their Custodys all Transgressors against this Order and Disturbers of his Majesty's peace And have them before the next Magistrate to be dealt with according to Law whereof the s^d Sherriffs & Constables are not to fail at their Perils

Signed p order W Bladen Cl Coun.

The Board Adjourned for two Hours

Post Meridiem

The Council in Assembly Sate Present as in the morning with the Addition of Col Richard Tilghman

The honble Col Holland & L^t Col Young went out to join the Committee of Laws

The honble Col Tho^s Ennalls came & took the Oaths & Subscribed the Test & Abjuration oath & was added to the Board

M^r Joseph Harrison & M^r Tho^s Stone brought the follow- p. 53 ing Message from the Delegates Viz

U. H. J.

By the House of Delegates
May the 10th 1715

May It please your Excellency and Honours

This House taking notice of a Complaint of some of the Militia Officers of Charles County Referred to the House of Delegates by the honble Council on the 6th of May 1712 against M^r Philemon Hemsley and Mary his wife lately called Mary Contee about Embezling some of the Arms and Ammunition of this Province delivered out of the publick Store at Annapolis in the year 1706 to Col John Contee dec^d thought fit to call the said Philemon and Mary before the Bar of this House to answer the same on Examination of whom It fully appears that the said Philemon & Mary his wife as she is Executrix of Col John Contee are still accountable to the publick for one Barrel of good Gunpowder con. 100^{lb} weight one Barrel of muskett shot 3 pair of Pistols, one Cutlace with Belt, two Drums, & two muskets they having produced no Receipt of the same being delivered by the said Col Contee in his Life time or themselves since to any Person qualified to discharge them and therefore pray your Excellency & Honours will order such effectual Care may be taken that the said Philemon and Mary his Wife may be Obligated to make Satisfaction for the said Deficiency that Embezlements of the Magazine may be discouraged for the future

Signed p order Tho^s Macnemara Cl Ho Del.

P. 54 Which being read and likewise the Petition of M^r Philemon Hemsley praying to be heard thereto

Resolved the said M^r Hemsley be admitted before this Board to offer what he has to say in his defence upon the said Representation

Who appeared and alledged that as to the powder Col Contee's Executrix had delivered 86⁴ to the order of Col James Smallwood since her Husband's Death, and that there had been two General musters in which the rest of the powder that Col Contee had was Expended except what was fired away at his Burial, That as to the Drums they were in the county one of the Musketts were broke, and one other broke by two drunken Soldiers of the Militia And also one Cutlace so broken by a Drunkard. But as to the Pistols he having no proper discharge is willing to answer for them

Which not being wholly Satisfactory, Ordered That M^r Hemsley State & give this Board a fair account of the Arms and Ammunition Col Contee had delivered him And that he lay the said Account before this Board to morrow morning by nine of the Clock

The Honble Col Coursey being indisposed had leave to go U. H. J.
home for the Recovery of his Health

The Carpenters Accounts Smith's & others for removing
and repairing the powder House being inspected & regulated
and there appearing to be due thereupon to the several Per-
sons therein named the sum of twelve pounds five shillings &
Six pence the said account was so Settled & allowed of by this
Board.

And thereupon It was ordered by his Excell in Council p. 55
that John Rousby Esq^r his Majesty's Receiver of the District
of Patuxent pay and Satisfy the s^d Sum of twelve pounds five
shill & 6 pence to the several Persons to whom the same ap-
pears to be due, out of his Majesty's Revenue of 3^d p^hh^d
appropriated for purchasing of Arms and Ammunition for
the Service of this Province now in the said Receivers
Hands

The Board adjourned till nine of the Clock to morrow
morning.

Wednesday May the 11th 1715

The honble his Majesty's Council in Assembly Sate

Present

His Excellency the Governour

The Honble	{	Col Tho ^r Ennalls	Col Tho ^r Addison
		Col Tho ^r Greenfield	Col W ^m Wittington
		John Hall Esq ^r	Philemon Lloyd Esq ^r &
		L ^t Col Rich ^d Tilghman	

M^r Philemon Hemsley according to the Order of the Board
yesterday laid before his Excell in Council the Account of
Arms & Ammunition received by Col John Contee late of
Char^r County dec^d out of the publick Store at Annapolis

Which Account being Inspected & Examined by the
Board Resolved that M^r Philemon Hemsley & Mary his
wife Executors of the s^d Col Contee stand accountable for
three pair of Horse Pistols which they are hereby required to
deliver to the Col or Commander in chief of the Militia of
Charles County As likewise for two Drums which they are
to deliver to the said Officer Unless the said Drums be al-
ready delivered to the proper officers in the s^d County

M^r Rousby & three more of the Delegates brought up a p. 56
Bill for repealing a Clause in an Act of Assembly Entituled
an Act for Establishment of religious Worship in this Prov-
ince &c And also for appointing the Oaths of Abjuration to be

U. H. J. taken in this Province. Read in their House the first & second times and so Endorsed by especial order will pass

The honble Col Holland, & L^t Col Sam^l Young Enter the Council & take their places at the Board

His Excellency was pleased to communicate to the Board the 26th & 27th Articles of his Instructions Viz.

Article 26th. And Whereas by an Act passed in the Assembly of Maryland the 30th April 1679 An Impost is by the said Act appropriated for the Use & Support of that Government Our Will and Pleasure is that towards your Maintenance in the Government of the said Province you take to your use three fourth Parts of the moiety of the Impost of two Shillings p^hh^d on tob^o appropriated as aforementioned by the said Act And you are to take Especial Care that According to the Intentions of the said Act the remaining part of the moiety of the said Impost be duly applyed towards the maintaining a constant magazine with Arms & Ammunition for the defence of our said Province

Article 27th. And you are to recommend unto the next General Assembly the raising of such other Supplys from time to Time as may be Sufficient for defraying the other necessary Charges of that Government

p. 57 Which being Read at the Board Resolved the said Copy of the two aforementioned instructions be sent to the Delegates. Which said Instructions were ordered to be communicated to the Delegates by Col Greenfield

The Board adjourned till nine of the Clock to morrow Morning

Thursday May the 12th 1715

The Honourable his Majesty's Council Sate Present as yesterday. And Adjourned till four of the Clock in the Afternoon

Post Meridiem

The Honble his Majesty's Council Sate

Present

His Excell^{cy} the Governour

The Honble	{	Col W ^m Holland	John Hall Esq ^r
		Col Tho ^s Ennalls	Col W ^m Whittington
		L ^t Col Sam ^l Young	Col Tho ^s Addison
		Col Tho ^s Greenfield	Philemon Lloyd Esq ^r &
			L ^t Col. Rich ^d Tilghman.

Cap^t Mariartee & Cap^t Trippe brought up a Bill prohibiting the Importation of Bread Beer Malt flower or other English

or Indian Grain or Meale Horses Mares Colts or Phillyes U. H. J.
from Pensilvania And the Territorys thereto belonging by
especial Order Read in their House the first & second times
& Endorsed will pass

Which Bill being read at the Board It was thereupon recom-
mended to the House of Delegates that the words in the
fourth Line in the second folio Viz In the day, be omitted
And that the Liberty of seizing such prohibitted Goods be at
any time, Otherwise the Intent of the Law may be avoided
by Importation in the night. With which Amendment this
said Bill will pass at this Board, And being so Endorsed was p. 58
sent to the Delegates by M^r Lloyd

The Bill for repealing a Clause in an Act of Assembly
Entituled an Act for Establishment of religious Worship in
this Province &c And also for appointing the Oaths of
Abjuration to be taken in the Province was read at the Board
by Especial order the first & second times And being En-
dorsed will pass was sent to the House by Col Ennalls & Col
W^m Whittington

Major Wilson & M^r Holdsworth brought up a Bill for Re-
lief of Peter Sawell a languishing Prisoner in Calvert County
Endorsed Read in their House the first & second time &
will pass

The Board adjourned till Nine of the Clock to morrow
morning

Friday May the 13th 1715

The Honble his Majesty's Council Sate

Present

His Excell^{ty} the Governour

The Honble	{	Col Edward Lloyd	John Hall Esq ^r
		Col W ^m Holland	Col Tho ^s Addison
		Col Tho ^s Ennalls	Col W ^m Whittington
		L ^t Col Sam ^l Young	L ^t Col Rich ^d Tilghman
			Col Tho ^s Greenfield

The Honble Col Holland & Capt. Greenfield two of the
visitors of the Free School presented the following Address
to his Excell^{ty} the Governour in Council Viz

To his Excellency the Governour The honble his Majesty's
Council & The honble the House of Delegates

We the Rector Governours & visitors of the Free schools
being met together to consult the Ends for which we were p. 59

U. H. J. incorporated And taking into Consideration the great disadvantage the want of Learning & Education is to the Youth of this Province, And that the same may be remedied by settling Free Schools in every County thereof We are heartily concerned that we are obliged to represent to this honourable Assembly that our Funds will only Enable us to maintain one School in this Town And that they are very insufficient to answer the pious design that we are Engaged in, And therefore we make humble Application, that this laudable Work may be taken into Consideration, and Such means used, as the Honble Assembly shall think proper to Enlarge the Funds for the promotion of Education and Learning

And whereas we meet with great Difficultys from the great Distance that the Several Members of our corporation Live from one another, and that It is almost impracticable for us to meet & Consult so often as the Nature of our Affairs would require We humbly Submitt it to the Judgment of the honble Assembly whither It may not be necessary by a new Law to Enable any five or more of us to transact our Affairs without lying under the necessity of having a Majority of the members present

Further we represent to the honble Assembly that we find in one of the Journalls of the House of Delegates 6th July 1697 recited that M^r Anthony Workman came before the House & gave one hundred & fifty pounds sterling to the Building of an House upon a Lott which his Excellency had already given together with ten pounds toward Building the s^d House Which
 p. 60 was to be Enjoyed by the said Anthony Workman during his natural Life, & remain over to the use of Free schools. Also the said M^r Workman promised to leave all the Improvements upon the s^d Lott in good and safe Repair

And in the Journal of the House of Delegates held in May 1696 folio 38 & 39 the said Workman Enters the House and says there is fifty pounds in his hands for finishing the House And prays He may keep Ordinary therein Licence free Which was granted

Likewise in an Act of Assembly for keeping good Rules and Orders in the Port of Annapolis made in July 1696 It is thus Contained

And be It further Enacted by the Authority a^d that all those Deeds Obligations Writings & Evidences made by & between his Excellency Francis Nicholson Esq^r Capt General & Governour of this Province of the one part & Anthony Workman of Kent Island in the County of Talbot of the other and W^m Freeman Bricklayer of Philadelphia in Pensilvania of the other part concerning a Lott of Land in the said Town & Building

an House thereon to the use of the s^d Anthony Workman U. H. J. during his natural Life and after his decease to the Use of the Freeschool of this Town for ever Bearing date sixth day of June Anno Domini 1696: And ordered to be Recorded in the Journal of the Governour & Council And the House of Burghesses of this General Assembly be of absolute & full force & Available in Law to the uses therein Expressed according to the true Intent & meaning thereof any defect in form or want of Form in the same notwithstanding

But forasmuch as the said Deeds Obligations & Writings p. 61 upon the strictest Search are not found to be recorded in Either of the said Journalls or that the originals thereof can be any ways discovered, Altho the s^d Anthony Workman by himself & his Assigns held the s^d House so built as af^d freed of the Fine for Licence to keep ordinary during the Term of his Natural Life yet his Heirs or Executors have refused to surrender the same to the use of the Freeschool And Suffered the s^d Improvements to go to decay And be almost ruined, And We the s^d Rector Governours & Visitors of the Freeschools conceiving We have an undoubted equitable Right thereto humbly desire that a Bill may be brought in this present Session to Vest & Confirm the af^d House & Lott in us & our Successours to the use af^d And to oblige the Heirs & Executors of the said Anthony Workman to make good his promise of leaving the said Improvements in good Repair, And also to pay and Satisfy unto us for the use of the said Freeschool all such Rent as has been by them received since his Death or usually reserved thereon by Reason of their unjust Refusal to Surrender the same to us

Signed p order of the Rector Govern^r & Visitors
of the Free schools p Edmd Benson Reg^r

Which being read at the Board was approved of and Resolved nemine Contradicente that the s^d Address be recommended to the Consideration of the House of Delegates and sent to the Delegates by all the Gentlemen present

The Board adjourned for a Quarter of an Hour

The Council again met & Sate Present as before

Capt Dent and Cap^t Purnell brought from the Delegates a p. 62 Bill Entituled an Act for Limitation of certain Actions for avoiding Suits at Law

Read in their House the first second & third times & Endorsed will pass

Which being read at this Board Resolved that the said Bill will pass with the amendments proposed in the last Line but

U. H. J. one Viz Except such as shall be taken in the name or for the use of our Sovereign Lord the King his Heirs & Successours and being so Endorsed was sent to the House by Col Young.

His Excellency tells Col Lloyd he ought to lodge with him all his Instructions or attested Copys thereof for that some of them may be Rules for him to act by

Further says that Col Lloyd ought to transmitt Col Seymours Pattent home to his Children It being of Honour to his Family

His Excellency communicates the following Instructions to the Board Viz

Article 15th. You are also to take Care that no private " Act be passed In which there is not a Saving of the Right of " us & our Heirs & Successours all Bodys Politick or Cor- " porate & of all other Persons except such as are mentioned " in the said Act

Article 14th. You are to observe that in passing of Laws " the Stile of Enacting the same be, By the Governour & " Council in Assembly & no other, You are also as much as " possible to observe in the passing all Laws Whatever may " be requisite upon each different matter be accordingly pro-
p. 63 " vided for by a different Law without intermixing in one & " the same Act all such things as have no proper Relation to each other, And you are more especially to take Care that no Clause or Clauses be inserted in or annexed to any Act, which shall be foreign to what the Title of such respective Act imports, And that no perpetual Clause be part of any temporal Law And that no Act whatever be suspended, altered, revived confirmed or repealed by General Words But that the Title & Date of such Act so suspended, altered, revived confirmed or repealed be particularly mentioned & express'd

And likewise ordered Copys thereof to be made which were given to the Honble Col Holland to be communicated to the Delegates & Committee of Laws

The Board adjourned for two Hours

Post Meridiem

The Honble Col Holland & L^t Col Young go upon their Committee

M^r John Dansey came & being asked to produce his Commission for receiving his Majesty's Revenue in the District of Potowmack produced a certain order of this Board directing him on the Death of George Muschamp Esq^r her Majesty's late Receiver to take Care & receive her Majesty's Revenue

in that District till her Majesty's further order or Directions v. H. J. from the Lord Treasurer

His Excellency is pleased to direct M^r Dansey to bring his Account of the Revenue of 3^d p hh^d for Arms & of Fines & Forfeitures in his district And lay them before the Board to morrow morning by ten of the Clock The s^d M^r Dorsey withdrew

Cap^t Mariartee and M^r Parran came with M^r John Rousby p. 64 Naval Officer of Patuxent & Saw him Sworn to his Accounts of the 3^d p hh^d & 3^d p Gallon on Rum and Wine.

The Bill for relief of Peter Sawell a Languishing Prisoner in Calvert County being read

And M^r Charles Carroll being admitted to Speak to the said Bill objects that heretofore there was a General Law made for the relief of such Debtors which the Queen in council thought fit immediately to repeal, And if such a Law should be admitted of It would introduce a great many Petitions for the like Laws and particularly that the Petitioner has mortgaged two negros to Cap^t Hyde to whom he stands indebted about fourscore pounds which negros he had both mortgaged before & Since, and doubts not to make the same appear true by Evidence in this Town, And therefore of all men he says the Petitioner is least worthy of Commiseration. M^r Carrol withdrew

His Excellency is pleased to say that if his Creditors have no compassion yet in order to relieve him if his Freinds will contribute sufficient thereto he will as he has before offered give five pounds towards it

M^r Charles Wright & Major John Ward brought up a Bill for the publication of all the Laws of this Province & for the recording the same in the Secretary's Office as also for transmitting the Journal of the House of Delegates into the said Office

M^r Tyler & Seven more brought up the following Message

By the House of Delegates
May 13th 1715

May It please your Excellency

p. 65

Upon perusal of the 26th Article of her Majesty's Instructions to your Excellency concerning the 12^d p hh^d given for the use & Support of the Governm^t of this Province to be applied by your Excellency in the manner as in the s^d Article is directed, And on perusal of the Accounts of John Rousby Esq^r one of the Officers that collected the three pence

v. H. J. p hh^d part of the s^d 12^d applyed for purchasing Arms & Ammunition for this Province in Patuxent District It appears that for many years past, Part of the s^d Impost applyed for Arms &c has been very much impaired, And the Ends for which It was designed in a great measure frustrated by reason of the Extravagant Sallary of 100^{lb} sterl p annum taken out of the 3^d by the said John Rousby Esq^r a Receiver of the Revenue in Patuxent District

This House humbly offers to your Excellency that the s^d Duty of one shill p hh^d is not chargeable with that Sallary, but rather that the Fines & Forfeitures arising in this Province if duly Collected & applyed are Sufficient to defray the Charge of the Collection of the Revenue in all the Districts of this Province

And Whereas this House has been informed that besides the s^d John Rousby one or more are appointed Receivers of the Revenue in this Province

It is further proposed that the number of Officers for the Collection of the Revenue be reduced to one, And we likewise with all Submission pray that your Excell^{ty} will be pleased to communicate to us in such manner as shall seem most
p. 66 expedient to your Excellency Who are the present Collectors of his Majesty's Revenue in all the Districts of this Province, by what Authority they have or do receive the same & how they are paid their respective yearly Sallarys

All which (It is hoped) will tend to the redress of the misapplication of that part of the s^d 12^d applyed for Arms &c & put this House in a Condition of Judging in pursuance of the 27th Article of the said Instructions What is further necessary to be done for the Support of this Government for the Honour & maintenance of which we think ourselves very nearly concerned And shall be ready upon all occasions to give demonstrations of the same

Signed p order Tho^s Macnemara Cl Ho Del.

The following Message sent to the House Viz.

By his Excell^{ty} the Governour in Council
May the 13th 1715

Gentlemen—

In answer to your Message by M^r Tyler & Several Others relating to the Revenue We acquaint you that his Excell. & this Board do concur with the House that the Revenue of the one moiety of two Shill p hh^d on tob^o Exported being wholly appropriated by his most Sacred Majesty, Ought not to be

burthened by the payment of any Sallary to his Majesty's U. H. J. Receivers but that their Sallary ought to be paid out of the Fines & forfeitures falling in this Province, And if the s^d Fines & Forfeitures shall not be sufficient therefore Then It may be adviseable to consider the 27th Article of his Excellency's Instructions communicated to you. We likewise Concur with you that the number of the s^d Receivers be reduced to one, ^{p. 67} and acquaint you that we know of no other Receivers of his Majesty's said Revenue but M^r John Rousby & M^r John Dansey who Act by the Authority of the Government here being appointed thereto on the Death of George Plater & George Muschamp Esq^r formerly appointed to those offices by the Crown but since that his Majesty's Surveyour General has a particular Authority over the officers of the Revenue here & is now daily Expected His Excell^{ty} will take Care on his Arrival to Settle this matter with him In the mean time He has given Orders to the several Clerks of the County Courts to return him by the first of September next an Account of all Fines & Forfeitures

M^r Dansey's account of the 3^d p^{er} h^{ab} for arms & of the fines & Forfeitures are herewith sent you

Signed p order W Bladen Cl Coun.

Saturday May the 14th 1715

The Honble his Majesty's Council Sate

Present

His Excellency the Governour

The Honble {	Col Edward Lloyd	Col W ^m Whittington
	Col Tho ^s Ennalls	and
	Col Tho ^s Addison	Col Rich ^d Tilghman

M^r John Dansey came & presented to his Excell^{ty} his Account of the 3^d p^{er} h^{ab} for Arms & Fines & Forfeitures & made oath thereto

Which with the message prepared last night were sent to the Delegates by Col Addison & Col Tilghman

The Board adjourned for two Hours

Post Meridiem

p. 68

The Council again met & Adjourned till nine of the Clock on Monday morning

U. H. J.

Monday May 16th 1715

The Honble his Majestys Council in Assembly Sate

Present

His Excell^{cy} the Governour

Col Edward Lloyd	John Hall Esq ^r
Col Tho ^s Ennalls	Col Tho ^s Addison
Col Tho ^s Greenfield	L ^t Col Richard Tilghman

The Honble Col Whittington had leave to go home on urgent Affairs

M^r Amos Garrett & three more brought from the Delegates Viz.

By the House of Delegates

May the 16th 1715

May It please Your Excellency and Honours

Your message of Saturday by the Honble Col Addison & L^t Col Tilghman about the 12^d p^h being read We are glad to find you concur with us in our proposals about the same And must own that the kind & generous offer made by his Excellency therein to settle the Affair about reducing the Number of the Receivers of the King's Revenue in this Province to one with the proper Officer on his Arrival in all likelihood will tend to great Advantage to this Province for Which we return his Excellency our hearty Thanks & Entirely relying on the good Consequence we expect from his Excellency's Efforts that way we acquiesce without troubling his Excellency with any further Application at this Time

p. 69 We beg leave to refer the Consideration of the 27th Article of his Majesty's instructions communicated to us, till the amount of the Fines & Forfeitures yearly falling in this Province is known

Signed p order Tho^s Macnemara Cl Ho Del.

Which being read at the Board Resolved that the House of Delegates be acquainted that his Excell^{cy} and the Board agree to refer the Consideration of the 27th Article of his Excellency's Instructions communicated to them till It is known how much the fines & Forfeitures amount to.

And the following message sent by L^t Col Young & M^r Hall.

By his Excell^y the Governour & Council in Assembly U. H. J.
May the 16th 1715

Gentlemen—

In answer to your Message this day by M^r Garrett & others we acquaint you his Excellency & this Board do agree that the Consideration of the 27th Article of his Excellency's Instructions communicated to you should be referred 'till It is known what the Fines & Forfeitures amount to And that his Excellency is very glad any thing he can do may be for the Country's Service And hopes It will give you so far an Impression of his good Inclinations that you will diligently & effectually pursue the Good Ends for which you were called together

Signed p order W Bladen Cl Coun

M^r Rousby brought up his Account of the 3^d p hh^d for Arms.

The Board adjourned for two Hours

Post Meridiem

The honble his Majesty's Council Sate

Present

His Excellency the Governour

The Honble	{	Col Edward Lloyd	Col Tho ^s Addison	p. 70
		Col W ^m Coursey	John Hall Esq ^r	
		L ^t Col Sam ^l Young	and	
		Col Tho ^s Ennalls	L ^t Col Rich ^d Tilghman	

His Excellency observing the great Charge the General Assembly sits at there being now near £400,000 of Tob^o spent communicated the following Instruction to the Board

Article 21st "You shall reduce the Sallary of the members of the Assembly to a moderate Proportion as may be no Aggrievance to the Country wherein nevertheless you are to use Your Discretion so as no Inconvenience may arise thereby

Which being Considered Advised and Resolved by this Board that the s^d Instruction be laid before the House of Delegates and their Sentiments desired thereon, and the said Instruction being fairly copyed out the following message was sent to the Delegates Viz.

By his Excell^y the Governour & Council
May 16th 1715

Gentlemen

The above being a Copy of one of the royal Instructions to

U. H. J. his Excellency the Governour is laid before your House & your Sentiments desired thereon

Signed p order W Bladen Cl Coun.

Sent by Col Lloyd & Col Ennalls

M^r Rousby and seven more brought up the following message Viz

By the House of Delegates

May the 16th 1715

p. 71^o May It please your Excellency On Consideration had of the 28th Article of the Royal Instructions to your Excellency about an House or Rent communicated to the House of Delegates on the 24th June 1714 and by your Excellency's Concurrence referred to the last Session & from that to this And well knowing that since there is no House built for a Governour the want whereof must be a considerable Charge to your Excellency An Account of which we desire your Excellency will order to be laid before this House that our Committee of Accompts may proceed to allow the same, As we can assure your Excellency the Circumstances of this Province are at present very low So we hope your Excellency will so far continue your tender Regard of this Province as not to insist at present on the Building of an House till the Province is better Able to raise a Fund for that Purpose, And we should be very glad that your Excellency would be pleased to propose to us something on that Subject

Signed p order Tho^s Macnemara Cl Ho Del.

Which being read at the Board his Excellency in answer thereto was pleased to write to M^r Speaker viz

Council Chamber

May 16th 1715

M^r Speaker I desire you will inform the House that I think It both for the Honour & Interest of the Province if a Suitable Reception was provided for your Governour, But as I am Convinc'd the good Inclinations of the People to me on this particular are Sincere And that their Abilitys cannot come up at this time to their kind Intentions I shall be contented to Share their present Circumstances only must leave It to your
p. 72 Consideration whether there ought not (at the publick Charge) some Repairs to be made to the House I live in so as not to be exposed to the Inconveniency of all Weathers, for as you are pleased rightly to observe my Expence has been considerable already. The Rent of the House shall be laid before the

Committee of Accⁿ as you Desire as also the Expence I have U. H. J.
been at

John Hart

Sent by Col Coursey & Col Young

Major Philips and three more brought from the Delegates a Bill for the better administration of Justice in the high Court of Chancery Provincial and County Courts, speedy Recovery of Debts directing how small Debts shall be recovered and for the more easy obtaining of Execution against Persons absenting from the Countys where the Judgments were recovered against them, and for preventing Commⁿ Sherriffs Subsherriffs, Clerks & Deputy Clerks to plead as Attornys in their respective Courts whereto they belong and for Amerciaments in the Provincial & County Courts

Read in their House the first & Second times and Endorsed will pass

Which being Read at this Board was remarked to contain things of different Natures Viz the Recovery of small Debts out of Court before a Single Justice and therefore Recommended to the Delegates that such Recovery be provided for by a Separate Law for that purpose and the Single Justices Jurisdiction Enlarged to four hundred pounds of Tob^o or one pound thirteen sh. and four pence

And the Bill being so Endorsed was read the first time will pass with Amendments was Sent to the Delegates by John Hall Esq^r p. 73

M^r Mariartee and five more brought up a Bill for Stay of Executions after the tenth day of May yearly.

A Bill for punishing of Adultery & Fornication & A Bill for laying an Imposition on Irish Servants and negros and on Several Sorts of Liquors imported into this Province And for Encouraging the Inhabitants to adventure their Vessels more freely abroad

Read in their House the first & Second times.

Which being read at the Board It is observed that the Clause exempting the Country Vessels from paying the 3^d Tonnage and relating to Naval Officers Fees has no dependance on this Act for Several Imposts but of quite different Nature taking of Dutys not imposed by this Law, but Others, And therefore the Saving or Exception seems very irregular and besides is already provided for by other Laws Therefore Recommended that those Clauses be left out of the Law And that the Title of the Law be altered Viz.

An Act for laying an Imposition on Negros & on several sorts of Liquors imported & also on Irish Servants to prevent

U. H. J. the importing too great a number of Irish Papists into this Province.

And the Bill being so Endorsed was Sent to the House by John Hall Esq^r

M^r Warfield & Cap^t Codd brought up two Engrossed Bills Viz. A Bill for repealing a Clause in the Act for
p. 74 Establishment of Religious Worship & appointing the oath of Abjuration to be taken in this Province

And A Bill for prohibiting the importation of Bread Beer and Flower from Pensilvania

Assented to by their House

The Board adjourned till nine of the Clock to morrow morning

Tuesday May the 17th 1715

The Honble his Majesty's Council in Assembly Sate

Present

His Excellency the Governour &c

Col Lloyd Col Greenfield

Col Coursey Col Addison

Col Ennalls And

L^t Col Young L^t Col Tilghman

The Bill for the publication of all the Laws of this Province and for the recording the same in the Secretary's office as also for transmitting the Journal of the House of Delegates into the said Office, brought up on Friday last Being read at the Board It is observed that the Law does not Enjoyn the Clerk of the Council in the Assembly, to transcribe & transmitt his Journal of Assembly proceedings into the Secretary's Office in like manner as the Clerk of the House of Delegates Which has been always practiced according to the antient Constitution of the Province And therefore seems to be an Omission and is recommended to be amended by obliging the Clerk of the Council in Assembly so to do with which Amendments this Law will pass. And the Bill being so Endorsed was sent to the House by L^t Col Rich^d Tilghman

p. 75 M^r Tasker & M^r Baker brought up a Bill directing the manner of suing out Attachments in this Province and the Extent of them Read in their House the first & Second time by especial Order & Endorsed will pass

The honble Col Addison laid before his Excell and this Board a Letter from Cap^t Thos. Fletchall of Prince Georges County giving an Account of some Fright The Inhabitants on

the Frontiers of Potowmack are now in by reason of some of U. H. J. our Indians hastily coming in among the Inhabitants on Sight of naked Indians

Advised that the publick Arms in Col Greenfield's Custody be delivered to Col Addisons Order to be distributed among the Inhabitants on the Frontier Plantations on Potowmack and at Rock Creek as the said Col Addison shall direct

Also that a Quarter Barrel of Powder & one hundred Flints be delivered out of the Magazine to Col Addison's order

Advised that Major Bradford get the leave of the House of Delegates & go home to Encourage the Inhabitants & Enquire into the Truth of this Information

Major Bradford & M^r Fendall bring up a Bill for better administration of Justice in the Chancery Provincial & County Courts &c^a

The Board adjourned till nine of the Clock to morrow morning

Wednesday May the 18th 1715

The honble his Majesty's Council in Assembly Sate

Present

His Excellency the Governour

The Honble	{	Col Edward Lloyd	L ^t Col Young	p. 76
		Col W ^m Holland	Col Addison	
		Col W ^m Coursey	and	
		Col Tho ^s Ennalls	L ^t Col Rich ^d Tilghman	

M^r Hill and M^r Dashield brought up a Bill for punishment of Blasphemy Cursing Swearing & Drunkenness Read the first & second time in their House, & Endorsed will pass

The Board adjourned for two Hours

Post Meridiem

The Council Sate Present as in the morning

Major Wilson and five more brought up from the Delegates a Bill for laying an Imposition on Negros and Several Sorts of Liquors &c

Read in their House the first & Second times and Endorsed will pass

The Board adjourned till nine of the Clock to morrow morning

U. H. J.

Thursday May the 19th 1715

The Honble his Majesty's Council in Assembly Sate

Present

His Excellency the Governour

The Honble {	Col Edward Lloyd	L ^t Col Young
	Col W ^m Holland	Col Addison
	Col W ^m Coursey	John Hall Esq ^r
	Col Tho ^s Ennalls	L ^t Col Rich ^d Tilghman
	Col Greenfield	Philemon Lloyd Esq ^r

p. 77 His Excellency acquaints the members of his Majestys Council that on his Coming for this Province he found S^r Tho^s Lawrence her late Majesty's Secretary of this Province on the one hand insisting that the Fines for Ordinary Licences were in the Secretary and Col Blakiston Agent for this Province on the other Contending that It was in the Country Whereupon he had applyed to the Lord Baltimore to be informed of that Matter who had acquainted him that he had formerly granted the Benefitt of those Fines to one of his Relations who was his Secre^y but not as Secretary but purely as his Relation And that if ever he had the Government again He should reassume those Fines. Whereupon his Excellency had very good reason to believe the Right of them was in the Crown, And had then acquainted the then Secretary of State and Commissioners of Trade thereof whom He found readily disposed to give directions about those fines; but least the Country to which He was then a Stranger should think he had surprised them by an Order in his Favour, He had forbore to desire any such order, being willing to transact this Affair in the Country

But now insists upon it that these Fines are in the Crown And thinks it his Duty to Assert its Right thereto and therefore thinks it Advisable the Assembly should be made Sensible thereof, And that It be recommended to them to ascertain by a Law what the Fines of those Licences shall be for that if the Country will advance any thing in proportion towards Building an House for his Majestys Governour He should be willing during his Government here they should be applied to that use

p. 78 And M^r Secretary Lloyd being present at the Board is asked by his Excellency what he has to say in Objection thereto Who makes answer That he always thought those Licences were in the Crown but taking notice S^r Tho^s Lawrence had Claimed them by some Words in his Pattent He was willing likewise to lay Claim thereto

And thereupon It was Ordered that the following message u. h. j. be sent to the Delegates viz.

By his Excell^y the Governour & Council in Assembly
May the 19th 1715

His Excellency on his coming for this Province having taken notice that S^r Tho^s Lawrence her late Majesty's Secretary of this Province on the one Hand insisted that the Fines for Ordinary Licences were in the Secretary, & Col Blakiston Agent for this Province on the other contended that they were in the Country He thereupon applyed to his Lordship the Lord Baltimore to be informed of that Affair And his Lordship was pleased to acquaint him that He had formerly granted the Benefitt of those Fines to one of his Relations who was his Secretary but not as Secretary only but purely as his Relation and that if ever he had the Government again he would reassume those Fines And thereupon his Excellency having very good Reason to believe the Right of them was in the Crown as in all Other his Majesty's Governments in America acquainted the R^t Honble the then Secretary of State and Lords Commissioners of Trade thereof Whom he found readily disposed to give directions about these Fines But least the Country to which He was then a Stranger should have the least Reason to think he had any ways surprized them he forbore to desire any such order being willing to transact this Affair in the Country but now insists upon It that those Fines are in the Crown and thinks it his Duty to assert its Right thereto p. 79

Wherefore We think fit to acquaint you thereof & recommend to you to ascertain by a Law what the Fines of those Licences shall be His Excellency being pleased to declare that if the Country shall think fit to advance two Thirds in Proportion towards Building of an House for his Majesty's Governour He will be willing during the Time of his Government here they should be applyed to that use until such House is built

Signed p order W Bladen Cl Coun.

Sent by Col Young and Col Addison

Maj^r Ward & three more brought up the following Message Viz

By the House of Delegates
May the 19th 1715

May It please your Excellency and Honours

Having considered & debated your Message by L^t Col Young & Col Addison about the Fines on Ordinary Licences

U. H. J. and the Proposal of building an House for his Majesty's Governour here We are willing that such Fines be by Law Settled on his Majesty his Heirs and Successours for and towards building an House for his Majesty's Governour here. The Law to Endure for three years and to the End of the next Session of Assembly after three years

And as to raising a Fund for two Thirds in proportion to
 p. 80 be applied for building such an House the same cannot well be done at present 'Till It be known what such Fines yearly amount to at which Time there shall be a Provision made for the two Thirds Either out of the publick Stock or by such other way that then shall be thought expedient

Signed p order Tho^s Macnemara Cl Ho Del.

Which was Read at the Board And

The Council Adjourned till nine of the Clock to Morrow morning

Friday May the 20th 1715

The Honble his Majesty's Council Sate Present as yesterday

The Board adjourned for two Hours

Post Meridiem

The Council Sate Present as in the morning

His Excellency acquaints the Board that Maj^r Josiah Wilson a Delegate for Prince Georges County had scurrilously Reflected on him and a Gentleman of undoubted Character a member of the House of Delegates by calling the said Gent^m the Governour's Agent for which He deserved to be publicly censured

Col Lloyd Col Ennalls & M^r Hall had leave of the Board to go home on urgent occasions

The Board Adjourned till nine of the Clock to morrow morning

Saturday May the 21st 1715

The Honble his Majesty's Council in Assembly Sate

Present

His Excell the Governour

p. 81	The Honble {	Col W ^m Holland	Col Addison
		Col W ^m Coursey	Philemon Lloyd Esq ^r
		L ^t Col Young	L ^t Col Rich ^d Tilghman

Col Mackall and three more of the Delegates brought up a U. H. J. Bill for reconciling of Differences in relation to the Bounds of Land within this Province & for Settling the Bounds thereof

Read in their House the first and second times and Endorsed will pass

The Bill for punishing the Offences of Adultery and Fornication was read the first & second times by especial order and Endorsed will pass. And sent to the Delegates by L^t Col Tilghman

The Bill for stay of Execution after the tenth of May yearly was Read the first and second times by especial order & Endorsed will pass with the Addition of a Clause directing the manner of taking the Confessions of Judgment before the Justices & sent to the Delegates by the Honble Philemon Lloyd Esq^r

A Bill directing the manner of suing out Attachments in this Province and Limitting the Extent of them Was Read the first and second times & Endorsed will pass with the Amendments proposed and sent to the Delegates by the honble Col Coursey

The Bill for better Administration of Justice in the High Court of Chancery Provincial & County Courts of this Province for the more speedy Recovery of small Debts, Easy obtaining of Executions against Persons absenting from the Countys where the Judgm^t are recovered against them for preventing Comm^s Sherriffs Subsherriffs Clerks & Deputy Clerks to plead as Attornys in the respective Courts to which they belong and for amerciements in the Provincial & County Courts with Several Amendments proposed Was Read at the Board and agreed to and sent to the House by Col Young p. 81

An Act for punishment of Blasphemy Prophane Swearing Cursing and Drunkenness being Read at the Board the first and second time was Endorsed Will pass with the Amendments Viz the fine on Blasphemy being applyed to the use of the Parish Church where such offence happens to be committed, and Sent to the Delegates by Col Holland

An Act laying an Imposition on Negros and on Several Sorts of Liquors imported and also on Irish Servants into this Province Was read at the Board the first and second times and being Endorsed Will pass Was sent to the Delegates by L^t Col Tilghman. The Bill for reconciling Differences in relation to the Bounds of Land within this Province And for the Settling the Bounds thereof being read was Ordered to lye on the Table to be Read on Monday Morning

The Board adjourned for two Hours

U. H. J.

Post Meridiem

The Council Sate Present as in the morning

The Engrossed Bill for repealing a Clause in an Act of Assembly Entituled An Act for Establishment of Religious
 p. 83 Worship in this Province &c. and also for appointing the Oaths of Abjuration to be taken in this Province was read & assented to by his Majesty's honble Council

And the Engrossed Bill for Limitation of certain Actions for avoiding suits at Law was read & assented to by his Majesty's honble Council And the honble Philemon Lloyd Esq^r sent to the Delegates to acquaint them his Majesty's Council have assented to the said Engrossed Bills

L^t Col Herman and M^r Holdsworth brought up

A Bill directing the manner of Electing and Summoning Delegates to serve in Succeeding Assemblys And for ascertaining the Expences of Councillours Delegates of Assembly & Comm^{rs} of the Provincial and County Courts of this Province

A Bill for Quieting Possessions Enrolling Conveyances and securing the Estates of Purchasers

A Bill ascertaining what Damages shall be allowed on protested Bills of Exchange

Major Ward and Col Maxwell brought from the Delegates two Engrossed Bills Which were assented to by the House of Delegates Viz.

A Bill for the punishing the Offences of Adultery and Fornication

A Bill for the publication of all the Laws of this Province And for the Recording the same in the Secretarys Office as also for transmitting the Journals of the Council in Assembly And of the House of Delegates into the s^d Office

p. 84 M^r Charles Wright & M^r Samuel Hopkins brought up the following Bill Viz

A Bill for rectifying the ill practices of Attornys of this Province and ascertaining Fees to the Attorney General Clerk of the Indictments Attornys and Practitioners of the Law in the Courts of this Province and for levying the same by way of Execution

M^r Joseph Harrison and M^r John Baker brought up an Engrossed Bill assented to by the House of Delegates Viz

A Bill for Stay of Executions after the tenth day of May Yearly Was Read & Assented to by this Board; Of which the Honble L^t Col Tilghman was sent to acquaint the Delegates

The Board Adjourned till nine of the Clock on Monday v. h. j. morning

Monday May the 23^d 1715

The Honble his Majesty's Council in Assembly Sate

Present

His Excellency the Govern' &c^a

The Honble {	Col W ^m Coursey	Col Tho ^s Addison
	L ^t Col Sam ^l Young	Philemon Lloyd Esq ^r
	Col Tho ^s Greenfield	L ^t Col Rich ^d Tilghman

M^r Holdsworth & M^r Tasker brought from the Delegates a Bill prohibiting all Masters of Ships or Vessels or any Other Persons from transporting and Conveying away Any person or persons out of this Province without passes

Read in their House the first & Second times and Endorsed by especial order will pass

Which was by especial Order Read the first and second p. 85 times was so Endorsed And will pass with the Amendments proposed And sent to the House by Col Greenfield

Cap^t Trippe & M^r Warfield brought up a Bill relating to Servants & Slaves Endorsed

Read in their House the first and Second times & Endorsed will pass

Which being read at this Board Resolved that It be recommended to the Delegates to add a Clause limitting how many stripes It shall be lawful for a master to give his white Servant for any one Offence without applying to a Justice of Peace and proposed that such Stripes exceed not ten in number But where any master or mistress shall judge their Servants deserve greater Correction They shall in such Cases be obliged to apply to a Justice of the Peace to order such Correction Who may order them to be corrected not exceeding thirty nine Lashes

The Bill directing the manner of Electing & Summoning Delegates and Representatives to Serve in Succeeding Assemblys, And for the ascertaining the Expences of Councillours Delegates of Assembly and Commissioners of the Provincial & County Courts of this Province Was Read at the Board the first & Second times by especial Order & Endorsed will pass with a Clause obliging all those who have a Right to Vote to appear at the Elections And give their votes under the Penalty of one hund^d pounds of Tob^o to the use of the County unless on Sufficient Excuse at the next County

U. H. J. Court to be Admitted by the s^d Court, and sent to the Dele-
p. 86 gates by the honble Col Coursey

Major Philips and Cap^t Ballard brought up a Bill for ordering and regulating the Militia of this Province for the better Security and Defence thereof

And a Bill for the Appointment of Constables and what relates to their office and ascertaining what Persons are Taxables

Read in their House the first & Second times by especial Order & Endorsed will pass

The Bill for regulating the militia being read at the Board the first Time It was recommended to the House that there shall be a Reasonable Fine imposed on such Persons who refuse to Act as officers and accept Commissions from the Governour of this Province or Commander in Chief for the Time being to be applyed to the use of the Militia of the County And that any Commissioned officer that shall refuse or neglect to appear at any muster or Training unless his lawful Excuse be admitted by the Field officers shall be fined five hundred pounds of Tob^o to the use of the Militia And that an Account of all Fines imposed by this law be yearly transmitted to the Governour & Council for Inspection on penalty of five hundred pounds of Tob^o on the Major to be applyed to the use of the Militia

And the Act for appointment of Constables &c Read the first and Second times was Endorsed will pass with the Amendments Viz

That the Constables Fee for serving Warrants in Cases of small Debts be thirty pounds of Tobacco or half a Crown

Sent by Col Greenfield

p. 87 His Excellency observing that the Delegates had returned no answer to the Royal Instruction Article 21st and message by Col Lloyd and Col Ennalls on this day seven night sent to their House wrote to the Speaker of that House as followeth Viz

Council Chamber 23^d May 1715

M^r Speaker

I sent down a Royal Instruction to the House of Delegates on the 16th of this Instant May by Col Lloyd & Col Ennalls to which no answer has been returned I desire you will offer it to the Consideration of the House whither three members returned for each County to serve in the assembly will not answer the End proposed by the said Instruction Sent by the honble Col Addison

John Hart

The following Message sent to the Delegates by Col V. H. J. Greenfield

By his Excellency the Governour & Council in Assembly
May 23^d 1715

We take notice that in the preamble of the Act declaring how the £40 Tob^o p poll shall be disposed &c N^o 1 And transcribed on parchment and sent up to this Board to be revised Reference is made therein to an Act of Religion not in force And therefore ought to be Reenacted & Amended

Signed p order W Bladen Cl Coun.

M^r Tyler and M^r Hudson brought up a Bill relating to the Standard of English Weights and Measures And a Bill for securing merchants & others tob^o after they have received It And declaring the altering the mark or Quality thereof to be felony & against false packing. Read in their House the p. 88 first & second times by Especial Order and Endorsed will pass

Which was Read at the Board the first & second times and Endorsed will pass and sent to the Delegates by Col Greenfield

And the Bill relating to the Standard of Weights & Measures was Read at this Board the first & second times & Endorsed will pass and sent to the House by Col Greenfield

M^r Parran and M^r Holdsworth brought up the following Message

By the House of Delegates
May the 23^d 1715

May it please your Excellency

The one & Twentieth Article of the royal Instructions brought down by Col Lloyd & Col Ennalls on the 16th & your message of this day by Col Addison being Considered & debated

The matter therein being new We are desirous that the same may be referred to the Consideration of next Session of Assembly by which time We shall better inform Ourselves of the Conveniency or Inconveniency that will attend such an Alteration

Signed p order Tho^r Macnemara C. H. D.

Which was read & Agreed to And the honble L^t Col Young sent to acquaint the Delegates thereof

U. H. J. The Bill for Quieting Possessions Enrolling Conveyances & Securing the Estates of Purchasers was by especial Order Read at the Board the first & second times & Endorsed will pass and Sent to the House by Col Coursey

p. 89 The Bill ascertaining what Damage shall be allowed on protested Bills of Exchange was by especial order Read the first & second times & being so Endorsed was sent to the House by the honble Col Coursey

The Board adjourned for two hours

Post Meridiem

The Council in Assembly Sate Present as in the morning M^r Charles Wright & M^r Peter Taylor brought up an Act for speedy Tryal of Criminals & ascertaining their punishment in the County Courts when prosecuted there and for payment of Fees due from Criminal Persons Read in their House the first & second times & sent to the House by L^t Col Young

The Engrossed Bill for the punishing the Offences of Adultery and Fornication was read & assented to by his Majestys honble Council

The Engrossed Bill for the publication of all Laws within this Province & recording the same in the Secretary's Office as also for transmitting the Journals of the Council in Assembly & of the House of Delegates into the s^d Office was Read & Assented to by his Majesty's honble Council

And the Bill for Stay of Executions after the tenth day of May yearly was Read & assented to by his Majesty's honble Council and the Honble Col Richard Tilghman sent to the Delegates to acquaint them this Board have assented thereto

p. 90 M^r Harrison & M^r Brown brought up two Engrossed Bills Viz.

A Bill for the better Administration of Justice in the high Court of Chancery Provincial & County Courts of this Province for the more Speedy Recovery of Debts Easy obtaining of Executions against Persons absenting from the Countys where the Judgments were recovered against them for preventing Comm^{rs} Sherriffs, Subsherriffs Clerks & Deputy Clerks to plead as Attornys in the respective Courts to which They belong And for Amerciaments in the Provincial & County Courts

Read & Assented to by their House Which was assented to by this Board

And a Bill directing the manner of suing out Attachments in this Proviuce and limiting the Extent of them Read and

Assented to by their House which was Read & assented to U. H. J. by this Board And the Honble Col Addison Sent to acquaint the Delegates thereof

The Bill for rectifying the ill Practices of Attorneys of this province and ascertaining Fees to the Attorney General, Clerk of the Indictments Attorneys and Practitioners of the Law in the Courts of this Province And for levying the same by way of Execution, Was read the first & second times & being Endorsed will pass, Was Sent to the Delegates by M^r Secretary Lloyd

M^r Tyler & M^r Hudson bring from the Delegates A Bill for securing Merchants & others Tobacco after received & declaring the Altering the mark or Quality thereof to be felony p. 91 and against false packing

Read in their House the first & second times and Endorsed will pass. Which was read at this Board the first & second times & Endorsed will pass with Amendm^{ts} proposed & Sent to the House by Col Young

Col Maxwell M^r Parran, M^r Whittington, & M^r Hopkins brought up a Bill for the Encouragem^t of Tillage & relief of poor Debtors Read in their House the first and second times & Endorsed will pass

Which was read at the Board & put to the Question whither the Bill should pass And Resolved It pass without the last Paragraph begining at And for the further Encouragement of making tob^o &c. And that It be temporary

Sent by Col Coursey

The Board adjourned till nine of the Clock to morrow morning

Tuesday May the 24th 1715

The Honble his Majesty's Council in Assembly Sate Present as yesterday

M^r Hopkins & M^r Clayton brought up a Bill appointing certain Court Days on which the Provincial & the several respective County Courts within this Province are to be held

Read in their House the first and second times & Endorsed will pass.

Which being read at the Board the first & second times That part relating to the Provincial Courts sitting was wholly rejected. And the Bill sent to the Delegates by Col Addison

Also the Engrossed Bill ascertaining what Damages shall p. 92 be allowed on protested Bills of Exchange Assented to by the

U. H. J. House of Delegates which was read & assented to by this Board And the honble Philemon Lloyd Esq^r sent to acquaint the Delegates thereof

The Bill relating to the Standard of English Weights and measures Read the first & second times.

Mr Parnell & Mr Stone brought up a Bill for the naturalization of Tho^s Harvey

And a Bill for taking special Bail in the Provincial & County Courts. Read in their House the first & second times & Endorsed will pass.

Which being Read at this Board the first and second times and Endorsed will pass were sent to the Delegates by Col Addison

Mr Fendall & Mr Clayton brought up a Bill for publication of all Marriages Read the first and second times in their House & Endorsed will pass

Which was Read at the Board the first & second times by Especial Order & being so Endorsed will pass with Amendments was sent to the Delegates by Col Addison

Mr Wharfield and Mr Dollahide brought up an Engrossed Bill for laying an Imposition on Negros and on Several Sorts of Liquors Imported And also on Irish Servants to prevent the importing too great a number of Irish Papists into this Province

Assented to by their House. Which was read & assented to by this Board and the honble Philemon Lloyd Esq^r sent to acquaint the Delegates thereof

p. 93 Cap^t Greenfield & Mr Hudson brought up a Bill to Supply an Omission in Writing the last Will and Testament of Raphael Haywood late of S^t Mary's County Gent deceased, And for Settling an Estate of Inheritance in Fee simple on Robert Scott Clerk and Charles Neale Planter the Executors & Devises in the said Will named.

Read in their House the first & second times by especial order & Endorsed will pass

The Board adjourned for two Hours

Post Meridiem

The Council Sate Present as in the morning

Mr Charles Wright & Mr Edward Brown brought up the Bill for the ordering and regulating the Militia of this Province

for the better Security & defence thereof with the following U. H. J.
Endorsement Viz

By the House of Delegates
May the 24th 1715

May It please your Excellency and Honours—

On reading and debating your Endorsment on this Bill as to that part that proposes a Clause to impose a Fine on Persons that refuse to accept of military Commissions from the Governour or Commander in Chief of this Province for the Time being, We are unwilling to agree to such a Clause few Persons being to be found or Instanced that refused the same at any time heretofore but as to that part that proposes a Fine to be imposed on any Commissioned Officer that shall refuse or neglect to appear at any muster or Training unless p. 94 his Excuse be admitted by the Field Officers, We are willing to agree to a Clause to lay a Fine on every Cap^t Lieu^t Cornett or Ensign for refusing or neglecting to appear of two hundred pounds of Tob^o Each & all the Fines arising by this Act to be yearly transmitted to the Governour & Council by the respective Majors of the Several Countys of this Province under the Penalty of five hundred pounds of Tob^o Each And that all fines arising by this Act be applyed to the use of the militia of Such County where such Fines arise

Signed p order Tho^s Macnemara Cl H Del.

Which being read with the Amendments was agreed to by the Board & Sent to the House by L^t Col Tilghman

But his Excell takes notice that He finds the House of Delegates unwilling to lay any fine on such Persons who refuse to accept Commissions in the Militia which He is obliged to remark

And the Bill relating to Servants & Slaves with the following Endorsement Viz.

By the House of Delegates
May the 24th 1715

May It please your Honours

Your Endorsment on this Bill being read & debated We agree to that part of It That proposes a Clause restraining masters to give their Servants above ten Stripes for any one offence but that Servants who shall be thought to deserve more shall be carryed before a Justice or other magistrate to be whipped or corrected as proposed and as to that part relating to the manumission of negro or molatto Slaves We think p. 95

U. H. J. It is hard to restrain any master or Owner to sett free any well deserving negro or molatto Slave, for probity in such Persons is by that means discouraged, no master or Owner being at Liberty Otherwise to recompence the good Actions of a well deserving Slave therefore we cannot agree to that Clause. But least any prejudice may happen by any manumission We are willing to add a Clause imposing a Fine of one thousand pounds of Tob^o on all Free negros & molattos That shall Entertain or harbour any Servant or Slave for every night or twenty four Hours to be recovered by Bill Plaint &c one half thereof to the King &c for the use of the Freeschools of this Province and the other to the Party grieved And if such offending Free molatto or negro has not Estate Sufficient immediately to Satisfy such penalty He shall be sold for and towards satisfying the same as af^d by the Justices of the respective County Courts that hear & determine the said Bill &c And also one other Clause imposing a Fine of five thousand pounds of Tobacco on any minister or magistrate or other Person or Persons whatsoever that shall marry any negro whether Bond or Free or any molatto Slaves to any white Persons the said fine as af^d And to be to the use of the Free schools to which we pray your Honours Concurrence

Signed p order Tho^r Macnemara Cl H Del

Which being read and Debated this Board do agree there-
p. 96 to And the Bill being so Endorsed was sent to the Delegates by L^t Col Tilghman

Cap^t Trippe & M^r Stone brought from the Delegates a Bill for securing Persons Rights to Town Lands, And a Bill causing Grand & Petite Jurors and Witnesses to come to the Provincial & County Court and ascertaining their Allowances

Read in their House the first & second times by especial Order & Endorsed will pass

M^r Harrison and M^r Stone brought up two Engrossed Bills Assented to by their House Viz

A Bill for punishment of Blasphemy Swearing & Drunkness.

And A Bill for rectifying the Ill Practices of Attorneys in this Province And ascertaining Fees to the Attorney General Clerk of Indictments Attornys & Practitioners of the Law in the County Courts of this Province and for levying the same by way of Execution

Read in their House & assented to by the Delegates Which was Read & assented to by this Board And the honble L^t Col Young sent to acquaint the Delegates thereof

The Board adjourned till nine of the Clock to morrow morning

Wednesday May the 25th 1715

U. H. J.

The honble his Majesty's Council Sate Present as yesterday

M^r Mariartee and M^r Hill brought up the Act for publication of Marriages Endorsed Viz

By the House of Delegates
May 25th 1715

May It please your Honour—

On reading the Bill again & considering that all the Dissenters from the Church of England are by this Act to publish their Bands according to the Rubrick of the Church of England We think It just & highly necessary that a Proviso be added to this Act That nothing therein contained shall extend to debar any Dissenters or other Persons not being of the Communion of the Church of England they being White Persons from publishing contracting & solemnizing Matrimony among themselves as they usually do, any thing in this Act to the Contrary notwithstanding And pray your Honour's Concurrence p. 97

Which being read at the Board proposed that the Act now in force for publication of all Marriages be only Revised and not Re Enacted, And the Bill being so Endorsed was sent to the Delegates by Col Greenfield

Col Maxwell & M^r Hudson brought up the Bill for appointing Court Days Read in their House with the Amendments proposed by this Board & by them agreed thereto. Whereupon the s^d Bill was read the second Time & the Concurrence of this Board Endorsed thereto; And sent to the Delegates by the honble Col Young.

A Bill for vesting in the Rectors Governours & Visitors of the Free Schools & their Successours for ever a certain Lott of Land in the City of Annapolis and an House thereon Erected commonly called the Kentish House, And empowering the Rectors & Visitors more easily to transact the Business of the said Free schools was read the first Time

And a Bill for directions of Sherriffs in their Offices & Restraining of their Ill practices within this Province Read in their House the first & second times and Endorsed will pass p. 98

On Consideration of the message from the Delegates by Major Ward and three other Delegates on the 19th Instant relating to the Fines on Ordinary Licences

Resolved the following Message be sent to the House of Delegates Viz

U. H. J. By his Excellency the Governour & Council in Assembly
May the 25th 1715

On reflection upon your message by Major Ward and three Other of your members on the 19th Inst^t relating to the Fines on Ordinary Licences wherein you seem to insist that the Right to those Fines is in the Country, His Excellency acquaints you he is obliged to assert his Majesty's Right thereto, as It is in all other his Governments in America And therefore desires to know by what Right you claim them that He may advise thereupon

Signed p order W Bladen Cl Coun.

Sent by Col Coursey

L^t Col Herman & three more brought up the following Engrossed Bills Viz.

A Bill for quieting Possessions Enrolling Conveyances & Securing the Estates of Purchasers

A Bill directing the manner of Electing & Summoning Delegates

A Bill for the appointment of Constables & what relates to their office & ascertaining what persons are taxable. A Bill prohibiting all Masters of Ships or Vessels or any other persons from transporting or conveying away any person or persons out of this Province without passes

And a Bill relating to the Standard of English Weights and measures which said Engrossed Bills were all of them Subscribed

Read & assented to by the House of Delegates and being again read at this Board were assented to by his Majesty's honble Council And being again Subscribed the honble L^t Col Young was sent to acquaint the Delegates thereof

A Bill for vesting in the Rectors Governours & Visitors of Free schools & their Successours for ever a certain Lott of Land in the City of Annapolis & an House thereon Erected commonly called the Kentish House and empowering the s^d Rectors & Visitors more easily to transact the Business of the said Free schools Was Read by especial order at the Board the second time And being so Endorsed was Sent to the Delegates by L^t Col Tilghman

The Board adjourned for two Hours

Post Meridiem

The Honble his Majesty's Council Sate Present as in the morning with the Addition of Col Holland

On Consideration of the Bill now proposed for ascertaining U. H. J. what Damages shall be allowed on protested Bills of Exchange. His Excellency was pleased to communicate to the Board one of the Royal Instructions particularly relating to Bills of Exchange (17th Article) Enjoining his Excellency not to pass or give his Assent to any Law wherein the Property of his Majesty's Subjects of Great Brittain is any ways Concerned unless with a Proviso therein that It shall not be in force until twelve months in Time of Peace and Eighteen in Time of War. p. 100

Whereupon It was Resolved that such Clause by Way of Proviso be added to the a^d. Bill ascertaining what Damages shall be allowed on protested Bills of Exchange

And the following message was sent to the Delegates by Col Coursey

By his Excellency the Governour & Council in Assembly
May the 25th 1715

On Consideration of the Bill now proposed for ascertaining what Damages shall be Allowed on protested Bills of Exchange His Excell^{cy} was pleased to communicate to the Board one of the Royal Instructions (Viz Article 17th) particularly relating to Bills of Exchange & Enjoining his Excellency not to pass or Assent to any Law wherein the Property of any his Subjects of Great Brittain is Concerned any ways Unless with a Proviso therein that It shall not be in force until after twelve months in Time of Peace & Eighteen in time of War Whereupon we Resolved that the said Instruction should be communicated to your House and recommend that such Clause by way of Proviso be added to the Bill for ascertaining what Damages shall be allowed on protested Bills of Exchange

Signed p order W Bladen Cl Coun.

The Bill investing Lands in Robert Scott Clerk & Char^s Neale Planter was read the first & second times & being Endorsed will pass was sent to the Delegates by Col Addison p. 101

M^r Greenfield & M^r Baker brought up two Engrossed Bills Assented to by their House Viz

The Bill for taking Special Bail in the Provincial & County Courts And the Bill for securing Merchants & others Tob^o after received and against false packing Tob^o Which were assented to by his Majesty's honble Council, And ordered that the honble Col Young acquaint the Delegates thereof

M^r Harrison and M^r Ballard brought up a Bill ascertaining

U. H. J. the Height of Fences to prevent the Evil occasioned by the multitude of Horses & Restraining Horse Rangers within this Province and to redress the great Evil accruing to this Province by the multiplicity of Useless Horses Mares & Colts that run in the woods Endorsed—

Read in their House the first & second times by especial order & will pass. Which was read at the Board the first & second time & Endorsed will pass And Sent to the House by L^t Col Young

The Bill for causing Grand & petite Jurors & Witnesses to come to the Provincial & County Courts and ascertaining their Allowances

Was Read the first & second time by especial order & so Endorsed will pass was sent to the Delegates by L^t Col Young

The Board adjourned till nine of the Clock to morrow morning

Thursday May 26th 1715

p. 102 The Honble his Majesty's Council Sate Present as yesterday

Major Woolford & M^r Turbutt brought up the following Message Viz.

By the House of Delegates
May 26th. 1715

May It please your Excellency and Honours

On Consideration of your Excellency and Honours' Message of yesterday by the honble Col Coursey We find that our message of the 19th by Major Ward & others only signified our Consent that such Fines should be by a Law settled on his Majesty to the uses therein mentioned and thought our Consent necessary to such a Law to give It being according to our present Constitution And hope that expressing such our Consent may not be understood as insisting on or claiming any thing to the Prerogative We therefore only pray if your Excellency and Honours approve of the Law in the s^d Message proposed that such your Approbation be notified to us that a Bill may be prepared accordingly

Signed p order Tho^s Macnemara Cl Ho Del.

M^r Parnell & Col Maxwell brought up a Bill prohibiting carrying any Liquors to the Indian Towns or from selling any Quantity of strong Liquors to the Indians to prevent Differences between them and his Majesty's Subjects and to punish

the Transportation of any Friend Indian or Indians out of this U. H. J. Province

And a Bill for the Encouragement of making Hemp within this Province Read in their House the first & second times & Endorsed will pass

M^r Fendall & M^r Dollahide brought up three Engross'd ^{p. 103} Bills Assented to by their House Viz.

A Bill for Encouragement of Tillage & relief of poor Debtors

A Bill for speedy Tryal of Criminals & ascertaining their Punishment in the County Courts when prosecuted there & for paym^t of Fees due from Criminal persons and

A Bill for the naturalization of Tho^s Harvey of Calvert County frenchman Which was read and assented to by this Board

The Board adjourned for two Hours

Post Meridiem

The Honble his Majesty's Council Sate Present as in the morning

The Bill for encouraging the making Hemp in this Province was read at the Board & debated And Resolved that It strikes at the Foundation of Trade & Commerce And would be very unjust to oblige Merch^{ts} & others who have dealt for mony to take Hemp at so dear a Rate Being far more than ever It produces in Great Britain.

And the s^d Bill being so Endorsed was sent to the Delegates by the honble Col Holland

M^r Tasker & Cap^t Ballard brought up a Bill for the better administration of Justice in Testamentary Affairs granting Administrations recovering of Legacys securing filial portions & distribution of Intestates' Estates Endorsed Read the first & second times by especial order And will pass.

M^r Greenfield & M^r Wharfield brought up the Engrossed ^{p. 104} Bill Entituled an Act for vesting in the Rector Governours & Visitors of Freeschools & their Successours forever a certain Lott of Land in the City of Annapolis and an House thereon Erected commonly called the Kentish House, and empowering the Rector & Visitors more easily to transact the Business of the s^d Freeschools, assented to by the Delegates. Which being read at the Board was assented to by his Majesty's honble Council and the honble Col Addison sent to acquaint the Delegates thereof

M^r Harris and M^r Whittington brought up an Engrossed

U. H. J. Bill to Supply an omission in the Writing the last Will & Testament of Raphael Haywood late of St Mary's County Gent Dec^d and for Settling an Estate of Inheritance in Fee simple on Robert Scott Clerk & Charles Neale Planter the Executors and Devisees in the said Will named

Assented to by the Delegates Which was Read & Assented to by this Board And the honble Col Greenfield sent to acquaint the Delegates thereof

L^t Col Herman & M^r Harrison brought up a Bill declaring how the forty pounds of Tob^o p poll in such parishes where there is no Incumbent shall be disposed of Read in their House the first & second times and Endorsed will pass, Which was read at this Board the first & second times by especial order & Endorsed will pass Was sent to the Delegates by the honble L^t Col Young.

P. 105 The Bill ascertaining the height of Fences to prevent the Evil occasioned by the Multitude of Horses and restraining Horse Rangers within this Province & to redress the great Evil accruing to this Province by the Multiplicity of useless Horses Mares & Colts that run in the woods

Being read at the Board It was put to the Question whither the Clause obliging the Ranger to return Wild Horses, Mares, Geldings, Bulls or Cows thô three years old on proof made at any time within Six months after their being taken up of the first Proprietor thereof should be agreed to

And Resolved Nemine Contradicente that the s^d Clause be rejected and further Proposed that all young Stone Horses running in the woods be Cut before they be Eighteen months old or otherwise It may be Lawful for the Ranger of the County to take them up & Geld & Convert them to his own proper use or for any other Person to shoot or destroy them

Major Woolford & M^r Harrison brought up a Bill providing what shall be good Evidence to prove foreign Debts and to prevent vexatious & unnecessary Suits at Law & pleading discount in Barr

And a Bill against Embezzlement of Wills or Records within this Province Read in their House the first & second times & Endorsed will pass

The Bill for securing Persons Rights to Town Lands Read the first & second times by especial Order And will pass

And Sent to the House by L^t Col Young

The Board adjourned till nine of the Clock to Morrow Morning

Fryday May the 27th 1715

U. H. J.

The Honble his Majesty's Council Sate Present as yester- p. 106
day with the addition of the honble Col Lloyd

Cap^t Mariartee & M^r Fendal brought up the Bill ascertain-
ing the height of Fences to prevent the Evil occasioned by
the multitude of Horses and restraining Horse Rangers with-
in this Province & to redress the great Evil accruing in this
province by the multiplicity of useless Horses Mares & Colts
that run in the Woods with the Amendments proposed there-
to agreed to by their House And other proposed by them
Which were agreed to by this Board, And the Bill being again
read & Considered was ordered to be Endorsed will pass
with this Amendment Viz that all such Stone Horses running
in the Woods above Eighteen months old shall be Shott &
destroyed least there should be too great Encouragement by
the Clause proposed given to Horse Stealers, And Sent to
the Delegates by Col Addison

The Board adjourned for two Hours

Post Meridiem

The honble his Majesty's Council Sate Present as in the
morning

Cap^t Colegate & M^r Turbutt brought up two Engrossed
Bills Viz

A Bill for appointing certain Days on which the several &
respective County Courts within this Province are to be held

A Bill for ordering and regulating the Militia of this Prov-
ince for the better Defence & Security thereof Read & As-
sented to by the Delegates

Which were Read & assented to by this Board & sent to p. 107
the Delegates by L^t Col Richard Tilghman

M^r Harrison and M^r Purnell brought up the Engrossed Bill
declaring how the 40^s of tob^o p poll shall be disposed of in
such Parishes where there is no incumbent. Read & assented
to by their House Which was Read & assented to by this
Board and Sent to the Delegates by L^t Col Tilghman

The Bill for better administration of Justice in Testamen-
tary Affairs granting Administrat^r recovering of Legacys
securing of filial portions & distribution of Intestates Estates
was read at the Board the first and second times by especial
order and Endorsed will pass with the Clause relating to
Free Schools (added to fol. 4th) omitted, The old Clause for
Guardians paying Quit Rents for cultivated Lands inserted,
And the Clause proposed relating to protestant Children in

U. H. J. the Hands of their mothers of the Popish Communion likewise inserted, And the last Clause relating to the Commissary's citing Execⁿ & Admⁿ only at the Instance of Partys Omitted being repugnant to the Body of the Laws And may be prejudicial to the Estates of Orphans. And sent to the House of Delegates by the honble Col Lloyd

The Bill against imbezling Wills & Records Read the first and second times by especial Order and Endorsed Will pass & sent to the Delegates by Col Greenfield

The Bill ascertaining the Bounds of Land within this Province sent up by the Delegates being Read is thought
p. 108 impracticable. And thereupon one other Bill Entituled as af^d was read the first & second times and Recommended to the Delegates and sent by Col Coursey & Col Tilghman

M^r Parran and M^r Wharfield brought up a Bill for recovery of small Debts out of Court Read in their House the first & second times & Endorsed will pass

The Board adjourned till nine of the Clock to Morrow Morning

Saturday May 28th 1715

The Honble his Majesty's Council Sate Present as yesterday

The Bill for the Directions of the Sherriffs in their Offices & restraining their ill practices within this Province was read at the Board the first & second times by especial order and being Endorsed will pass with the Amendments That the County Courts under penalty of fifteen hund^d pounds of Tob^o cause all sherriffs Bonds by them taken to be transmitted into the Secretary's Office within two months after And obliging the Secretary to lay such Bonds before the Governour in Council for his approbation or disallowance of the Securitys was sent to the Delegates by the honble Philemon Lloyd Esq^r

A Bill prohibiting the carrying of Liquors to Indian Towns or Selling any Quantity of Strong Liquors to the Indians to prevent differences between them and his Majesty's subjects and to punish the Transporters of any Friend Indian or Indians out of this province Was read at the Board the first & second
p. 109 times by especial Order And being Endorsed Will pass was sent to the Delegates by the honble Tho^s Addison

A Bill providing what shall be good Evidence to prove foreign & other Debts & to prevent vexatious and unnecessary suits at Law pleading discounts in Bar was Read at the Board the first & second times by especial order & Endorsed will pass Was sent to the Delegates by the honble Col Thomas Greenfield.

M^r Tyler & nine more of the Delegates came & brought v. n. j. up the Bill ascertaining the Bounds of Lands & the following message

By the House of Delegates
May the 28th 1715

May It please your Excellency and Honours

We have Read with great Satisfaction the Bill proposed by your Excellency and Honours for ascertaining the Bounds of Lands within this Province the first & second time And as we find the same to be an excellent well & ingeniously devised Bill and tending to the good and Welfare of this Province the reducing the same into Practice being particularly owing to your Excellency's Speech to the House of Delegates in October last so we hold ourselves bound to render your Excellency and Honours our most hearty thanks for devising so useful a Law. As nothing that is new can be perfect at its first Invention We humbly propose the following Amendments which we hope your Excellency & Honours on Consideration will find useful for putting the said Law in practice with which the said Bill will pass Viz. page the 3^d 18th line (or part or parcel of any tract or Tracts of Lands) page the 3^d 21st line (any ways Interested in such dispute) page 7th 15th line (on each of) in the same page 16th line, a Clause to be added for Sheriffs Coroners &c to pay due Obedience to the Comm^{rs} as to the Provincial Court which is herewith Sent. And a Proviso where bounds have been Settled & determined remain and continue unaltered no ways subject to any Alteration whatsoever by Virtue of this Act, And that notwithstanding this Law the Provincial Court may determine all Actions of Trespass & Ejectment already depending before them or which shall be commenced before the first day of June 1716 against Persons beyond Sea &c

But the Law so far as it Concerns the People of this Province to be in force immediately after the End of this Session

Signed p order Tho^s Macnemara Cl Ho Del.

On Consideration whereof the Bill being again Read Resolved that all the Amendments proposed thereto by the Delegates be agreed to save the last Viz. That the Law be immediately in force after the End of this Session which his Excellency cannot consent to being of a very extraordinary nature

And being so Endorsed was sent to the House by Col Coursey

U. H. J. The Petition of the Parishioners of Christ Church Parish in Calvert County to his Excellency the Governour being Read was rejected

A Bill for recovery of Small Debts out of Court before a single Justice of Peace Was Read the first & second time, and being so Endorsed will pass. Was sent to the Delegates by the honble L^t Col R^d Tilghman

The Honble Col Addison had leave to go home

The Board adjourned for two Hours

Post Meridiem

The Honble his Majesty's Council Sate Present as in the morning save the honble Col Addison who had leave to go home

M^r Baker & M^r Clayton brought up three Engrossed Bills Assented to by the Delegates Viz.

A Bill relating to Servants & Slaves

A Bill securing Persons Rights to Town Lands And A Bill against Embezzlement of Wills or Records within this Province

Which were read & assented to by his Majesty's honble Council & notice thereof given to the Delegates by L^t Col Young

Major Ward & M^r Dashield brought up the Engrossed Bill for the better Administration of Justice in Testamentary Affairs, granting Administrations Recovering of Legacys securing filial Portions, and Distribution of Intestates Estates

Assented to by the Delegates Which was read & assented to by this Board

The honble Col Greenfield had leave to go home

The Board adjourned till nine of the Clock on Monday morning

Monday May the 30th 1715

The honble his Majesty's Council Sate

Present

His Excellency the Governour

p. 112 The Honble { Col Ew^d Lloyd Esq^r L^t Col Sam^l Young
Col W^m Holland Philemon Lloyd Esq^r &
Col W^m Coursey L^t Col R^d Tilghman

His Excellency was pleased to acquaint the Gentlemen of the Council that his Majesty had ordered his Commission to be taken out But that It had past no further than the Privy

Signett Which was occasioned by the Death of the Right v. H. J. Honble the Lord Baltimore Lord Proprietary of this Province in February last that he has this morning received a Letter from his present Lordship the Lord Proprietor by Captain Arbuthnott Commander of the Ship Fortune wherein He acquaints him of his Father's Death And his Majesty's good pleasure to restore the Governm^t to his Lordship of this Province. But has not any direction to himself from his Majesty yet. And therefore his Excellency desires the Advice of the Board whither It is not fitting to acquaint the Delegates therefore That some Care may be taken of his Lordship's Interest in regard to the Compensation of his Rents heretofore usually taken in Tobacco

Who are of Opinion It is very Advisable And thereupon his Excellency wrote the following Letter to the Speaker

Council Chamber 30th May 1715

M^r Speaker—

I am to acquaint the House of Delegates that I have a Letter from my Lord Baltimore notifying the Death of his noble Father the late Lord Baltimore Who as He has ever carryed himself with great Candour & Affection to this province I must condole with you for the Loss of so good a Friend

But as his Lordship is succeeded by a worthy Son who ^{p. 113} promises as much as you can reasonably expect from his Circumstances, I congratulate with you on this Occasion, And I avow from a personal Knowledge I have of his Lordship's Disposition that you may be very happy if you please under such a Land Lord

His Lordship does me the Honour to Entrust me with his private Affairs in this Province I therefore desire to know what Resolution you will come to in relation to his Rents since his Lordship does not think fit to stand to the Agreement made by the late Lord Baltimore upon the precarious footing the Hhds now stand

John Hart.

Which was sent to the House by all the Gentlemen now present at the Board

Who went, And returned & said They had delivered his Excellency's Letter to the Speaker

The Engrossed Bill for the better Administration of Justice in Testamentary Affairs &c being read at the Board was assented to And sent to the Delegates by the honble Philemon Lloyd Esq^r

- U. H. J. M^r Harrison & Cap^t Ballard brought up an Engrossed Bill causing grand & petite Jurors & Witnesses to come to the Provincial & County Courts & ascertaining their Allowances Read & Assented to by the Delegates. Which was again read & Assented to by this Board And the honble L^t Col Young sent to acquaint the Delegates thereof
The Board adjourned for two Hours

Post Meridiem

- p. 114 His Majesty's honble Council Sate Present as in the morning

His Excellency required the oath of a Councillour in this Province to be read Which was accordingly done And there-upon he was pleased to say He was sorry to suspect that Oath had not been well kept having heard the very Words he made use of at this Board returned to him in private, That He thanked God his Conscience could not reproach him but that he had Acted honestly and never proposed any thing but what was for the good of this province

Resolved the following Message be sent to the Delegates Viz.

By his Excell the Governour and Council in Assembly
May the 30th 1715

Major Bradford will give the House an Account of some Indians that have lately given proof of their Fidelity & Service to this province It is therefore recommended to your House that some provision be made to gratify them

Signed p order W^m Bladen Cl Coun.

Sent by the honble Col Coursey

M^r Colegate & M^r Williamson brought up the Engrossed Bill ascertaining the height of Fences to prevent the Evil occasioned by the Multitude of Horses and restraining Horse Rangers within this province, And to redress the great Evil accruing to the Province by the multiplicity of Useless Horses Mares & Colts that run in the Woods

- p. 115 Read & Assented to by their House Which was again read & assented to by this Board and the honble Col Young sent to acquaint the Delegates thereof

M^r Mariartee and M^r Harrison brought up the Engrossed Bill prohibiting the carrying of Liquors to the Indian Towns or selling any Quantity of Strong Liquors to the Indians to prevent differences between them and his Majesty's Subjects

and to punish the Transporters of any friend Indian or Indians U. H. J.
out of this Province

Read & Assented to by the Delegates

Which was Read & Assented to by this Board and sent to
the Delegates by the honble Col Lloyd

The Board adjourned till nine of the Clock to morrow
morning

Tuesday May the 31st 1715

The honble his Majesty's Council Sate Present as yester-
day with the addition of the honble John Hall Esq'

M^r Foster Turbutt & M^r Solomon Clayton brought up
three Engrossed Bills Assented to by the Delegates Viz.

A Bill for the recovery of Small Debts out of Court before
a single magistrate

A Bill for the direction of Sherriffs in their Offices and
restraining their ill practices within this Province

And A Bill ascertaining the Bounds of Lands within this
Province Which were Read & assented to by this Board

The a^d Bills for Recovery of small Debts &c. and for
Direction of Sherriffs in their Office &c Being Read at the p. 116
Board were assented to and the honble Philemon Lloyd Esq'
sent to acquaint the Delegates thereof

Major Bradford and M^r Tasker brought up the Journal of
the Committee of Accompts Read & assented to by the
House of Delegates

M^r Wright & M^r Clayton brought up a Bill for the Relief
of Ezekiel Parr.

Read in their House the first & Second times & Endorsed
by especial Order will pass

Major Philips and M^r Stone brought up an Engrossed Bill
providing what shall be good Evidence to prove foreign Debts
& to prevent Vexatious & unnecessary Suits at Law and
pleading discounts in Barr. Read & Assented to by the
Delegates which was read & Assented to by his Majesty's
honble Council And the honble Philemon Lloyd Esq' sent to
acquaint the Delegates thereof

The Board adjourned till nine of the Clock to Morrow
Morning

Wednesday June the first 1715

The honourable his Majesty's Council Sate Present as
Yesterday

U. H. J. Mr Tyler and nine more brought from the Delegates the following message Viz

By the House of Delegates
June the 1st 1715

May it please your Excellency

We heartily condole the Loss of our late Lord Proprietary
p. 117 not only as a generous Land Lord, but a generous Friend to the Province

We likewise Congratulate his present Lordship on the Descent of this Proprietorship upon him To whom we sincerely Wish a long and happy Enjoym^t of it And assure your Excellency It is no small Satisfaction to us to find that on his late Lordship's decease He is succeeded by a protestant Son of that great Character Your Excellency has always given him

Nor can we be unmindful of your Excellency's Care and favour towards us in so Speedily communicating to us the opportunity your Excellency has of making us Easy in the Affair of our Land Rents which is of so great Concern to his Lordship & this Province for which we return your Excellency our most hearty Thanks. And since your Excell^{cy} has been pleased to intimate His Lordship does not design to Stand to the Agreem^t formerly made with his Ancestors in that Respect as the Gauge of Tob^o Hh^{da} now stands

We humbly propose to lay an Impost of 18^d Sterl p hh^d being of the Gauge of 32 Inches in the head within the Croze not Exceeding 37 Inches in the Bulge and 48 Inches in the Length of the Stave for his Majesty towards the defraying the publick Charge of this Province. Which we resolve to apply to his Lordships use if his Lordship will be pleased to accept thereof as an Equivalent for taking his Land Rents & Fines for Alienations within this Province (as his noble Father did) in tob^o at 2^d Sterl p pound during his natural Life And humbly pray your Excellency will be pleased to assist us in recommending the same to his Lordship
p. 118

We perswade ourselves that his Lordship believes It is his Interest to consult the welfare of this province as his noble Ancestors did

And towards the Support of the Government we are also willing to make an Advance of 3^d Sterl p hh^d on Every hh^d Exported of the a^d Gauge in Consideration of Its being so Enlarged as a just & reasonable Compensation therefore And without which the Revenue would be very much diminished and impaired, under the same Proviso, as in the former Law

and to prepare a Petitionary Bill for both the s^d Imposts as U. H. J. soon as your Excell^{ty} will be pleased to notify your Approbation

Signed p order Tho^s Macnemara Cl ho. Del.

Which being Read & Considered Resolved the following message be sent to the Delegates Viz.

By his Excellency the Governour & Council in Assembly
June the 1st 1715

On receipt of your message of this Day by M^r Tyler & others His Excellency was pleased to declare that what you have offered in Relation to my Lord Baltimore of laying a duty of 18^d p hh^d in Consideration of his Lordship's taking his Rents in Tob^o at the rate of 2^d Sterl p pound He will transmitt to his Lordship when passed into a Law And will endeavour to lay the present Circumstances of Maryland concerning his Lordships Rents in so clear a view as he hopes may give Satisfaction both to my Lord & the people who hold Lands p 119 under his Ldship. And is pleased further to assure you that his Lordship has often done him the Honour to express himself with great tenderness for the welfare of this province.

And as his Lordship is a person of a very distinguishing Judgment you may expect every thing in reason you can desire from his favour

As to the other parts of your message and particularly in relation to the Advance of the Revenue towards Support of Government this Board do agree thereto And Concur that the Gauge of the Bulge of Tob^o hh^d be expressed at 36 Inches or under not exceeding 37 on any Accident or pretence whatsoever

Signed p order W Bladen Cl Coun.

Sent by the honble John Hall Esq^r

Major Philips and three more brought up a Bill declaring the Continuance of the paym^t of the 12^d p hh^d from the Death of the late Right Honble Charles Lord Baltimore until the 29th day of September next

Read & assented to by the Delegates

And the same was again read & assented to by this Board And the honble Col W^m Holland sent therewith to the Delegates who was likewise ordered to acquaint them this Board have assented to the Engrossed Bill for ascertaining the Bounds of Lands

On reading the Bills proposed for relief of Peter Sawell &

U. H. J. Ezekiel Parr Resolved that in order thereto It be provided in
 p. 120 those Bills that in Case their Creditors do not in three
 months time give Security to the Sherriffs of Calvert and
 Cecil Countys for their maintenance Viz ten pounds of Tob°
 p diem besides reasonable Cloathing, the said Peter Sawell &
 Ezekiel Parr be by the Sherriffs of Calvert & Cecil Countys
 discharged from their Imprisonment

Which being drawn into a message was sent to the Dele-
 gates together with the aforementioned Bills by the honble
 Col Holland

The Board adjourned till nine of the Clock to morrow
 morning

Thursday June the 2^d 1715

The honble his Majesty's Council in Assembly Sate Pres-
 ent as yesterday

M^r Mariartee & five more of the Delegates brought up the
 following message Viz.

By the House of Delegates
 2^d June 1715

May It please your Excellency—

The Business of this Session being as we hope near a Con-
 clusion we humbly propose for your Excellency's Acceptance
 two hund^d & fifty pounds Sterl to be allowed in the publick
 Levy of this year in Satisfaction of what shall accrue due to
 your Excell^{cy} for sealing sending and transcribing Duplicates
 of all the Laws made and revised this Session for Great
 Brittain as by your Instructions you are Required

And tho Tob° is of [no] great Value We pray your Excel-
 p. 121 lency having a Regard to the Low Circumstances of this
 Province will be pleased to accept thereof

We have made an Entry on our Journalls that your Excel-
 lency shall be paid three thous^d pounds of Tob° by every
 County of this Province for a Copy of the s^d Laws when trans-
 mitted and three thousand pounds of Tob° for a Copy of the
 same to be allowed in the publick Levy besides the Fee for
 affixing the Seal to every such Copy and pray your Excellencys
 Approbation.

Signed p order Tho^s Macnemara Cl ho Del.

To which the following answer was sent by M^r Lloyd and
 Col Tilghman Viz.

By his Excellency the Governour & Council in Assembly U. H. J.
June the 2^d 1715

Gentlemen—

In answer to your Proposal by M^r Mariartee & others this Board do concur with your House that the Sum of two hund^d & fifty pounds Sterl be allowed in the publick Levy and paid this year to the Keeper of the Great Seal in Satisfaction of his dues for sealing sending and transcribing Duplicates of all Laws made & revised this Session for Great Brittain And that the several Countys of this Province pay unto the s^d Keeper of the Great Seal for a Copy of the s^d Laws when transmitted to them three thousand pounds of Tob^o Each

Signed p order W Bladen Cl Coun.

The Board adjourned for two hours

Post Meridiem

The Council Sate Present as in the morning

Major Ward & M^r Wright brought from the Delegates a p. 122
Bill for the Relief of Ezekiel Parr of Cecil County. Read in their House the first & second times & Endorsed will pass

Which being read at this Board & some Amendments made thereto was Endorsed Will pass & sent to the Delegates by L^t Col Young

The Journal of the Committee of Accompts being read was assented to by his Excellency the Governour and Council & sent to the Delegates

Col Macall & M^r Holdsworth brought up a Bill for the Relief of Peter Sawell a languishing Prisoner in Calvert County Read by the Delegates the first & second times and Endorsed Will pass was sent to the House by M^r Hall

Major Woolford & three more brought up from the Delegates a Bill ascertaining the Gauge & Tare of Tob^o Hh^d & to prevent cropping & defacing tob^o taken on Board Ships or Vessels upon freight and for laying impositions on Tob^o p the hh^d for the Support of Government And for the Encouraging Settlements in this Province by ascertaining the manner of paying the Alienation Fines and Quitt Rents to the Lord Proprietary of this Province upon the Conditions therein mentioned

Read in their House the first & second times by especial order And Will pass. And being so Endorsed was sent to the House by the honble Col Lloyd and Col Coursey

U. H. J. Resolved that his Excell & this Board will join with the
p. 123 Delegates in a Loyal Address to his most Sacred Majesty

Resolved that this Board will join with the Delegates in an Address to the Right Honble Benedict Leonard Lord Baron of Baltimore Lord Proprietary of this Province

Resolved the members of this Board will join with the Delegates in an Address to his Excell the Governour for his many kind Services to this Province

Cap^t Dent & Cap^t Tripp brought up a Bill empowering a Committee to lay & apportion the publick Levy this present year Read by the Delegates the first time And being Endorsed will pass,

Was sent to the Delegates by L^t Col Tilghman

The Journal of the Committee of Accompts being read & assented to by the Governour & Council and sent to the House of Delegates by the honble John Hall Esq^r

The Board adjourned till nine of the Clock to morrow morning

Friday June the 3^d 1715

The honble his Majesty's Council Sate Present as yesterday

M^r Turbutt & M^r Wright brought up a Bill to confirm & make Valid in Law all manner of process & proceedings in the several Courts of this Province from the Demise of her late Majesty Queen Ann of pious memory to the End of this present Session of Assembly Endorsed Read in the House of Delegates the first & second Times by especial Order and will pass

p. 124 Which being Read at this Board the first & second Times & Endorsed will pass

Was sent to the Delegates by L^t Col Tilghman

The said M^r Turbutt & Wright also brought the following Engrossed Bills assented to by their House Viz.

A Bill ascertaining the Gauge & Tare of Tob^o hh^d And to prevent cropping & defacing Tob^o taken on Board Ships or Vessels upon Frieght & for laying Impositions on Tob^o p the hh^d for the Support of Governm^t And for the Encouraging Settlements in this Province by ascertaining the manner of paying the Alienation Fines & Quitt Rents to the Lord Prop^r of this Province on the Conditions therein mentioned

A Bill for Relief of Ezekiel Parr of Cecil County

A Bill for Relief of Peter Sawell a languishing Prisoner in Calvert County

A Bill empowering a Committee to assess and apportion the U. H. J. publick Levy for this Province for the present year 1715

Which were Read & assented to by this Board. And the honble John Hall Esq' was Sent to acquaint the Delegates thereof

Cap' Dent & M' Baker brought up an Engrossed Bill to confirm & make valid in Law all manner of Process & Proceedings in the several Courts of this Province from the Demise of her late Majesty Queen Ann of pious memory to the End of this present Session of Assembly assented to by the Delegates. p. 125

Which was Read at this Board and assented to and the Honble John Hall Esq' sent to acquaint the Delegates thereof

Major Woolford & M' Harrison brought up a Bill declaring all Laws heretofore made Which have been Re Enacted this present Session to be Repealed. Read by the Delegates the first and second Times by especial Order & will pass Endorsed

Which by especial order being read at this Board the first & second Times was Endorsed Will pass and sent to the House by the honble John Hall Esq'

Major Woolford & M' Dolahide brought up the 2^d Bill Engrossed & assented to by the House of Delegates. Which was read & assented to by this Board And the honble L' Col Tilghman sent to acquaint the Delegates thereof

His Excellency is pleased to ask the Advice of the Board to what time they think It may be proper to prorogue the General Assembly

And Resolved that the Assembly be prorogued till the twenty Seventh day of September next

Resolved the same Fees be allowed to the Clerk of this Board on private Bills as to the Clerk of the House of Delegates this Session

The honble Col Lloyd & L' Col Tilghman on behalf of his Majesty's Council, & Major Woolford M' Hill M' Garrett & M' Tasker from the Delegates presented to his Excellency the following Address Viz:

To His Excellency the Governour &c.
May It please Your Excellency

p. 126

We of his Majesty's Council of Maryland and the Delegates and Representatives of the several Countys thereof mett in a General Assembly beg leave humbly to present to your Excellency our most hearty thanks for your generous just & kind Administration amongst us.

U. H. J. Your proroguing an Assembly upon the Report of the Death of our late Queen of pious memory to your own prejudice, Your taking a large & expensive Journey to inform your Self of the Truth thereof, in order to Establish this Governm^t upon a proper foundation, Your Generous and splendid Entertainm^t not only at the proclaiming his Majesty in this Province, but upon celebrating the day of his Birth, Your many excellent proposals often repeated & Earnestly pressed (in which you could have nothing in View but his Majesty's Service & the Welfare of this Province) are convincing Arguments of your good Inclination toward us

And We should be wanting to ourselves and those we represent if we did not with the utmost Gratitude Acknowledge that you both maintain the Prerogative & just Rights of the Crown with a becoming steady Resolution And are Careful to consult the Ease & Benefit of the people you govern Your affable & kind Behaviour in Conversations engages our affections And your prudent management of publick Affairs our Admiration

p. 127 Go on S^r with your great & good Endeavours to promote the Interest of this Infant Province, And may Almighty God Crown them with Success May we not want understanding or Inclinations to Assist and Encourage you, And may you to your Satisfaction Live long among us to compleat them shall always be the fervent prayer of

Your Excellency's most humble
& most obedient Servants

Sam^l Young
John Hall
Tho^s Ennalls
R^d Tilghman
Tho^s Addison

Edward Lloyd
W^m Coursey
W^m Holland
Tho^s Greenfield
Philemon Lloyd

Robert Ungle Speaker

Tho^s Truman Greenfield
John Baker
Sam^l Williamson
Matt Mason
W^m Blay
Rob^t Tyler
Joseph Hill
Jos. Wilson
John Bradford
John Whittington
Char^s Wright
Solⁿ Clayton

M V Heydon
John Ward
Fran^s Maulden
Ephr. Aug. Herman
Ja^s Harris
Dan^l Mariartee
Alex. Wharfield
Tho^s Bordley
Tho^s Dent
John Fendall
Jos. Harrison
Tho^s Stone

Edw ^d Brown	John Macall	U. H. J.
John Rousby	Alexander Parran	
Amos Garrett	Tho ^r Holdsworth	p. 128
Benjamin Tasker	John Purnell	
Tho ^r Dashield	Char ^r Ballard	
Sam ^l Hopkins	M. T. Ward	
Tho ^r Robins	Foster Turbutt	
Roger Woolford	Henry Trippe	
John Hodson	Peter Taylor	
James Maxwell	James Philips	
R ^d Colegate	Fran ^t Dollahide	

The following Address to his Majesty being Signed by his Excellency & the Council was sent to the Delegates by Col Coursey & L^t Col Young Viz.

To the Kings most Excellent Majesty

The humble Address of the Governour & Council and Assembly of the Province of Maryland

May It please your Majesty

We your Majesty's most dutiful & Loyal Subjects the Governour Council & Delegates of the province of Maryland being mett in a General Assembly do humbly implore your Majesty's most gracious Acceptance of this our first occasion in full Assembly of Congratulating your Majesty on your happy accession to the Throne of your Ancestors. Altho we are far removed from your Majesty's presence, Yet give us leave Great S^r to join with your faithful & Loyal Subjects of Great Brittain in rendring our most hearty Thanks for your Majesty's free & generous Declaration from the Throne that you will not only make the Established Constitution in Church & State the Rule of your Governm^t but also (which will most effectually Endear your sacred person to your faithful Subjects) have promised to make your Peoples Happiness Ease & prosperity the chief Care of your Life. We pray God that so much Goodness may always meet with suitable Returns And that all your Majesty's faithful Subjects which have approved themselves so hearty and Zealous in defence of the protestant Succession may never fail in the brightest Demonstration of their Duty and Loyalty whensoever your Majesty's Honour or the Safety of your Crown and Dominions shall require it, as they have already baffled the dark Designs & wicked practices of all your Enemys. May they always have It in their power as well as Inclination (being influenced & directed by your Majesty's princely wisdom Councils & foresight in publick Affairs) to make your name dreadful to all

U. H. J. the Enemys of your August House and render Abortive the long continued Machinations of the Pretender and all his Adherents and Secrett Abettors

Most gracious Sovereign We account it our particular Happiness that your Majesty is so well Established in your Dominions And that you have thereby secured unto us the great & invaluable Blessings of our Religion & Liberty so lately audaciously threatened by a pretender, had not your Majesty providentially succeeded our late Gracious Queen And declared yourself the Royal Protector of both

p. 130 The Influences whereof we promise our Selves will be of a diffusive nature And that we your Majesty's Subjects here shall share in the Glorys as well as the Benefitts of your auspicious Government

May the divine Providence (Who sent your Majesty as a Guardian Angel to us) protect your sacred person from all malicious Designs of your Avowed & Secret Enemys, may long Life & Happiness Crown your prosperous Reign and may there never be wanting of your illustrious Progeny to fill the Brittish Throne & Emulate your Virtues is the ardent prayer of

May It please your Majesty

Your Majesty's most obedient faithful
& Loyal Subjects & Servants

John Hart

Edward Lloyd
W^m Coursey
Tho^s Ennalls
John Hall
R^d Tilghman

W^m Holland
Sam^l Young
Tho^s Greenfield
W^m Whittington
Philemon Lloyd

Robert Ungle Speaker

Tho^s Truman Greenfield
Samuel Williamson
James Harris
Joseph Hill
Tho^s Bordley
p. 131 John Fendall
Tho^s Stone
Alex^r Parran
John Purnell
Char^s Ballard
M. T. Ward
Foster Turbut
Henry Tripp
Peter Taylor

John Baker
Matt Mason
Dan^l Mariartee
Alexander Wharfield
Tho^s Dent
Jos. Harrison
John Rousby
Tho^s Holdsworth
Tho^s Dashield
Sam^l Hopkins
Tho^s Robins
Roger Woolford
John Hodson
James Maxwell

Ja^s Phillips
Fran. Dollahide
Jn^o Ward
Eph Aug. Herman
Rob^t Tyler
John Bradford
Char^s Wright
Edward Brown
Benjamin Tasker

R^d Colegate
M Van Heyden
Fran^s Maulden
W^m Blay
Josiah Wilson
John Whittington
Solomon Clayton
Amos Garrett

U. H. J.

M^r Bordley and three more of the Delegates brought up the Address to his Majesty signed by the members of their House And acquainted his Excellency that their House had nothing before them

Whereupon his Excellency was pleased to send the honble L^t Col Young to command M^r Speaker and the Delegates to attend him in Council and see the Laws Enacted this Session receive the royal Assent

And forthwith M^r Speaker & the Delegates came and saw p. 132 the following Acts sealed with the Great Seal used in his Majesty's province & assented to by his Excellency on behalf of his most Sacred Majesty Viz.

1. An Act prohibiting the importation of Bread Beer Flower Malt or other English or Indian Grain or Meale Horses Mares Colts or Fillys from Pensilvania & the Territorys thereto belonging

2. An Act repealing a Clause in an Act of Assembly Entituled an Act for the Establishment of Religious Worship in this Province & also for appointing the Oaths of Abjuration to be taken in this Province

3. An Act for Limitation of certain Actions for avoiding Suits at Law

4. An Act for the publication of all the Laws of this province & for recording the same in the Secretary's Office as also for transmitting the Journals of the Council in Assembly & of the House of Delegates into the s^d Office

5. An Act for the punishing the offences of Adultery & Fornication

6. An Act for stay of Execution after the tenth of May yearly

7. An Act directing the manner of suing out Attachments in this Province & Limitting the Extent of them

8. An Act for the better Administration of Justice in Testamentary Affairs Granting Administrations Recovery of Legacys securing filial portions & distribution of Intestates Estates p. 133

U. H. J. 9. An Act ascertaining what Damages shall be allowed upon protested Bills of Exchange

10. An Act laying an Imposition on negros & on Several Sorts of Liquors imported & also on Irish Servants to prevent the importing too great a number of Irish Papists into this Province

11. An Act for the punishment of Blasphemy prophane swearing Cursing & Drunkenness

12. An Act for rectifying the ill practices of Attornys of this Province and ascertaining fees to the Attorney General Clerk of the Indictments Attornys & Practitioners of the Law in the Courts of this Province & for levying the same by way of Execution

13. An Act for quieting Possessions Enrolling Conveyances & securing the Estates of purchasers

14. An Act declaring the manner of Electing & summoning Delegates & Representatives to serve in succeeding Assemblys & for ascertaining the Expences of Councillours Delegates of Assembly & the Comm^r of the Provincial & County Courts of this Province

15. An Act prohibiting all Masters of Ships or Vessels or any other Persons from transporting or Conveying away any person or persons out of this Province without passes

16. An Act for the appointm^t of Constables & what relates to their office & ascertaining what Persons are taxables

P. 134 17. An Act relating to the Standard of English Weights & measures

18. An Act for securing merchants & others Tob^o after they have received It and declaring the Altering the mark or Quality thereof to be Felony and against false packing

19. An Act for taking special Bail in the several Countys of this Province upon Actions or Suits depending in his Majesty's Provincial Court & in the Several County Courts of this Province

20. An Act for the ordering & regulating the Militia of this Province for the better security & defence thereof

21. An Act appointing certain days on which the several & respective County Courts within this Province are to be held

22. An Act for the Speedy Tryal of Criminals & ascertaining their punishment in the County Court when prosecuted there & for paym^t of Fees due from Criminal Persons

23. An Act for Encouragement of Tillage & relief of poor Debtors

24. An Act declaring how the forty pounds of Tob^o p poll u. h. j. in such Parishes where there is no Incumb^t shall be disposed of

25. An Act against Embezzlement of Wills and Records within this Province

26. An Act relating to Servants & Slaves

27. An Act for securing Persons Rights to Town Lands.

28. An Act for the better Administration of Justice in p. 135 the high Court of Chancery Provincial and County Courts of this Province for the more Speedy recovery of Debts Easy obtaining of Executions against Persons absenting from the Countys where the Judgements were recovered against them for preventing Comm^m Sheriffs Subsheriffs Clerks & Deputy Clerks to plead as Attornys in the respective Courts to which They belong & for Amerciaments in the Provincial & County Courts

29. An Act causing Grand & petite Jurors and Witnesses to come to the Provincial & County Courts & ascertaining their Allowance

30. An Act ascertaining the Height of Fences to prevent the Evil occasioned by the Multitude of Horses & restraining Horse Rangers within this Province & to redress the great Evil accuring to this Province by the Multiplicity of Useless Horses Mares & Colts that run in the woods

31. An Act prohibiting the carrying of Liquors to Indian Towns or selling any Quantity of strong Liquors to the Indians to prevent differences between them & his Majesty's Subjects And to punish the Transporters of any Friend Indian or Indians out of this Province

32. An Act ascertaining the Bounds of Land within this Province

33. An Act for the Speedy Recovery of Small Debts out of Court before a single Justice of the Peace

34. An Act for the direction of the Sheriffs in their Offices & restraining their ill practices within this Province

35. An Act providing what shall be good Evidence to p. 136 prove foreign & other Debts & to prevent vexatious & unnecessary suits at Law & pleading discount in Bar

36. An Act declaring the Continuance of the payment of 12^d p hh^d from the Death of the late Right Honble Charles Lord Baltimore unto the 29th day of September next

37. An Act ascertaining the Gauge & Tare of Tob^o hh^d & to prevent the cropping & defacing tob^o taken on Board Ships & Vessels upon freight & for laying Impositions on Tob^o p the hh^d for the Support of Government & for Encouraging Settlements in this Province by ascertaining the manner of

U. H. J. paying the Alienation Fines & Quit Rents to the Lord Proprietary of this Province on the Conditions therein mentioned

38. An Act to confirm & make valid in Law all manner of Process & proceedings in the several Courts of this Province from the Demise of her late Majesty Queen Ann of pious memory to the End of this present Session of Assembly

39. An Act empowering a Committee to lay assess & apportion the publick Levy for this psent year 1715

40. An Act declaring all Laws heretofore made which have been Re Enacted this Session of Assembly to be repealed

p. 137 41. An Act Repealing an Act Entituled an Act for Unit- ing New port Hundred now part of King & Queen Parish to W^m & Mary Parish in Charles County & for Reuniting the same to King & Queen Parish in S^t Mary's County

42. An Act for the making good & valid a certain Indenture or Bargain of Sale from W^m Lunn of Ann Arundel County to Tho^s Larkin Gent.

43. An Act to Supply certain Defects in the conveying Lands from Matthew Beard to Stephen Wright & from Stephen Wright to Sam^l Chambers of Ann Arundel County Gent

44. An Act for the naturalization of Thomas Harvey of Calvert County & his Children

45. An Act for vesting in the Rector Govern^{rs} and Visitors of Freeschools & their Successours for ever a certain Lott of Land in the City of Annapolis & an House thereon Erected commonly called the Kentish House And empowering the said Rector & Visittors more easily to transact the Business of the s^d Freeschools

46. An Act to Supply an omission in the Writing the last will & Testam^t of Raphael Haywood late of S^t Mary's County dec^d And for settling an Estate of Inheritance in fee Simple on Robert Scott Clerk & Charles Neal Planter the Executors & Devisees of the said Will named

47. An Act for relief of Ezekiel Parr of Cecil County

48. An Act for the relief of Peter Sawel a languishing Prisoner in Calvert County

p. 138 After Which His Excellency was pleased to declare that with the Advice of his Majesty's honble Council He thought fit to prorogue the General Assembly until Tuesday the 27th day of September next & bid them take notice That they were accordingly then prorogued

Thus Ended this first Session of Assembly on friday the 3^d day of June in the first year of his Majesty's Reign &c Annoq Domini 1715

God Save the King

W Bladen Cl Council.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis, April 26 to June 3, 1715.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN HART,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

Maryland ss.

L. H. J.
P. 485

At an Assembly begun and held at the City of Annapolis the twenty sixth Day of April in the first Year of the Reign of our Sovereign Lord George by the Grace of God, Great Britain, France and Ireland and the Dominions thereunto belonging King Defender of the Faith &c Annoq Dom. 1715 by Virtue of his Majesty's Writ of Election directed to the several and respective Sheriffs of the several Counties of this Province and to the Mayor Recorder and Aldermen of the City of Annapolis empowering the Freeholders of the several Counties to elect and choose four Deputies or Delegates for each County; and the said Mayor Recorder and Aldermen to choose two Citizens for the City aforesaid to serve as Representatives of the several Counties and City of Annapolis in this present General Assembly which said Writs bear Date the seventeenth Day of January 1714 returnable this present twenty sixth Day of April 1715 aforesaid. At which Time there assembled at the Stadt House in the City of Annapolis aforesaid in the County of Ann Arundel the several Members following Viz.

For Saint Mary's County

Capt. Thomas Trueman
Greenfield
M^r John Baker
M^r Samuel Williamson
M^r Matthew Mason

Dorchester County

Major Roger Woolford
Capt. Henry Trippe
M^r John Hudson

Kent County

Capt. James Harris
M^r William Blay
Capt. St Leger Codd

Calvert County

Col^o John Mackall
M^r John Rousby
M^r Alexander Parran

Ann Arundel County

Cap^t Daniel Mariartee
M^r Joseph Hill
M^r Alexander Warfield
M^r Thomas Bordley

Baltimore County

Col^o James Maxwell
Major James Phillips
Cap^t Francis Dollahide

Charles County

Cap^t John Fendall
Cap^t Thomas Dent
M^r Thomas Stone
M^r Joseph Harrison

Prince George's County

M^r Robert Tyler
Major Josiah Wilson
M^r John Bradford

L. H. J.	Somerset County	Cecil County
	M ^r John Purnell	M ^r Matthew Vanderheyden
	M ^r Thomas Dashield	Major John Ward
	Cap ^t Charles Ballard	L ^t Col ^o Eph. Aug. Herman
	M ^r Samuel Hopkins	M ^r Francis Marden
	Talbot County	Queen Ann's County
	L ^t Col ^o Matt Tilghman	M ^r John Whittington
	Ward	M ^r Charles Wright
	M ^r Robert Ungle	M ^r Solomon Clayton
	M ^r Thomas Robins	M ^r Edward Brown
	M ^r Foster Trubutt	
	City Annapolis	
	M ^r Amos Garrett	M ^r Benjamin Tasker

p. 486 Whereupon M^r Tyler, M^r Rousby and Col^o Matthew Tilghman Ward are sent up to the Council Chamber to acquaint his Excy the Gov. that a sufficient Number of Members to make a House is convened. They return and say they acquainted his Excellency thereof.

Col^o Holland, Col^o Coursey and Col^o Samuel Young from the Hon^{ble} Council and W Bladen Esq^r Clerk of the Council enter the House; and the said Councillors and Clerk administered the Oaths of Allegiance, Supremacy and Abjuration to all the said Members and saw them severally subscribe the said Oath of Abjuration and the Test and then withdrew.

Col^o Addison from the Hon^{ble} Council acquainted the members convened that his Excy requires their Attendance immediately in the Council Chamber.

The House accordingly went to attend his Excellency in the Council Chamber

When his Excellency commanded them immediately to make Choice of their Speaker and come and present him. After which the said Members returned and there unanimously make Choice of Robert Ungle Esq^r a member returned for Talbot County for their Speaker, who in his Place disabled himself to undergo so weighty a Charge and earnestly desired them to proceed to a new Choice which being denyed and he placed in the Chair; then he prayed they might give him Leave to disable himself to his Excellency. After which M^r Garrett M^r Bordley and M^r Tasker are sent to acquaint his Excellency that the Delegates have made Choice of their Speaker and to know when his Excellency will have him presented for Approbation. Whereupon Col^o Holland from his Excy the Gov^r acquaints the Delegates that his Excy

commands them immediately to present their Speaker before L. H. J. him in the Council Chamber. Whereupon the House repaired to the Council Chamber and presented Robert Ungle Esq' for their Speaker to his Excy the Gov. where the said M' Speaker decently and submissively addressing himself to his Excellency offered several Reasons disabling him from serving in that Station, and therefore made humble Suit to his Excellency to be discharged and that his Excy would be pleased to command the Delegates to make Choice of an abler Person.

Which Excuses his Excellency would no ways admit of, being well satisfied of the Skill and Knowledge of the said Robert Ungle in the publick Affairs of the Province and required him in the King's Name to accept of the Place.

After which M' Speaker in the name of the whole House of Delegates humbly desired his Excellency on his Majesty's Behalf that the Delegates of this Assembly may have the Freedom of Speech as of Right and by Custom they have used and all their ancient and just Privileges and Liberties ^{p. 487} allowed to them and that in any Thing he shall deliver in the Name of the Delegates if he shall commit any Error no Fault may be imputed to the Delegates but that he may resort to them again for Declaration of their true Intent and that his Error may be pardoned.

And lastly as often as Necessity for his Majesty's Service and the publick Good of this Province shall require it he may by the Direction of the House of Delegates have free Access to his Excellency. All which his Excellency was pleased to grant and confirm. And then his Excellency was pleased to make a favourable Speech. After which The Speaker with the Rest of the Delegates returned and the Speaker resumed the Chair

Thereupon the House make Choice of Thomas Macnemara for their Clerk and Ordered M' Benjamin Tasker and M' Thomas Holdsworth go and present him to his Excy the Gov. for his Approbation and to see him qualified by taking the usual Oaths. They return and say that his Excy approved of the Clerk chosen and that he is duly qualified.

Resolved That this House will sit to do Business during this Sessions from Eight O'Clock in the Morning till Eleven and from One in the Afternoon till five.

Ordered That his Excy's Speech be entered as follows Viz.

Gentlemen of the Assembly,

Upon the earliest Notice I had of his Majesty's happy Accession to the Crown I have called you together to consult the Good of this Province and to compleat what was

L. H. J. so well begun in the last Assembly but interrupted by the Death of our late Queen of pious Memory. I am persuaded I cannot open this Sessions with any Thing more grateful (to a People who have already distinguished their Joy) than by congratulating you on the auspicious Occasion of his Majesty King George his being so peaceably seated on the Throne of his Ancestors.

The Lenity with which he has long governed his Subjects in Germany the Deference that is paid his consummate Judgment by all the Princes of Europe are strong Indications how happy a People we may be under the Influence of one of the greatest as well as one of the best of Kings that ever swayed the British Sceptre.

Our Religion is secured in his Royal Person not by the Effect of a refined Policy but by an exemplary Practice of the Truth and Purity of his Principle.

p. 488 Who can doubt our Laws will be maintained and our Liberties preserved when they are protected by a just and mighty Prince that has been so zealous an Asserter of the Liberties of Europe against all bold Invaders.

The noble Disposition of his Royal Highness the Prince of Wales the generous Courage he so early exerted in the Field and the numerous Offspring which Providence has given him afford a pleasing View of a continued Series of Happiness to us.

What can we desire now but that the good God will preserve such invaluable Blessings to us and make us dutifully sensible of them.

Gentlemen of the House of Delegates,

I am to acquaint you that I laid before you the last Assembly an Instruction from her late Majesty to revise the Laws of this Province and have since received his Majesty's Commands to be observant of those Instructions.

The Necessity of this so useful a work is obvious from most of your Laws being very defective so that I need not enforce any further what is so much to your Advantage, but must recommend to you to pursue it with Application; my Observation of your past Journal makes it evident to me and your own Experience will inform you that long and frequent Assemblies are grievous Burthens to the People.

At my first Arrival in this Province I laid before your House a Law lately passed in Virginia for the Improvement of the Tobacco Trade, in which there are many useful Things to advance that Staple in this Country; But having since received

an Act of Parliament from Great Britain justly Entitled an *L. H. J.* Act for the encouraging the Tobacco Trade which provides abundantly more for your Relief and answers all the Ends of the Virginia Law; I am now of Opinion you will not employ much of your Time in that particular.

The great Condescension of the Crown in parting with so considerable a Branch of the Revenue in your Favour, I mean by passing that Act for the encouraging the Tobacco Trade and the immediate Benefit and Advantages you will reap from it will be demonstrated by the Act itself which I shall send down to your House for your Perusal.

Gentlemen, I am inclinable to impute the Decay of the Revenue here more to Accident in Trade than to any Intention of the good People of the Province to defraud the Crown, but what was at first only the Accident of Trade is now grown into a pernicious Custom by which the Revenue is greatly impaired as will evidently appear by a Law made in an Assembly of the 30th April 1679. To that Law I am referred by my Instruction which I shall communicate to you for your Information.

True it is that the Circumstance of Trade is much altered p. 489 since that Time and as it would prove of evil Consequence to reduce your Cask to the former Weight so it is very injurious to the Crown if due Regard in Proportion be not had to its Rights It is therefore expected on his Majesty's Behalf that you will reform these Abuses. The Inhabitants of this Province with a commendable Industry use their best Endeavours to cultivate the Growth of Tobacco; but there still remain many spacious Tracts of this fertile Soil especially on the Eastern Shore, which is not so agreeable to the Nature of that profitable Plant but excellently well adapted to the making of Hemp. What of this kind has been hitherto only raised for a Home Consumption in the Opinion of the Mariners equals the best that grows in Europe. An Improvement of this Manufacture is worthy your mature Consideration. You have already great Encouragement from the Crown for Importation. You are certain of a Market in England for your Produce, and have a sufficient Quantity of Land (as I am informed) to supply Great Britain with Cordage forever. The want of Seamen to navigate the vessels is a mighty Obstacle to the Trade of this Province; and since the Humour of the Generality of the People is such that they will not send their Children to Sea, if some Method were found of disposing Annually of a certain Number of the Youth maintained by the several Counties, it would in few Years be of considerable Use and Advantage to this Province in particular and promote Navigation in general.

L. H. J. It is with Compassion I observe so many young Men of admirable natural Parts grow up without the least Improvement of Art to form their Minds and make them more useful to their Country. It is more than Time to repair the great Neglect that is shewed to Learning here.

It lays at your Door to accomplish the good work of laying a Foundation for sufficient Schools. The Consequence of such Education will be to see your Sons increase in Knowledge and Virtue, as well as in Wealth and Honour.

You will likewise have the Blessing of the Poor in this Life and Posterity will praise you as Benefactors of your Country.

Gentlemen, Let not the Novelty of what I have offered prove an Obstruction to the publick Good: Few Things obtain Perfection at the first setting forth. This Province is but yet in it's Infancy. The means to make it grow up to flourishing Maturity is by using of Industry in your Traffick and by countenancing of useful Learning; but these also are here in their tender Age; so they must be nourished with Care, Time and Patience.

John Hart.

p. 490 The same is ordered to be read to Morrow Morning.

Then the House adjourned till to Morrow Morning Eight O'Clock.

Wednesday Morning 27th April 1715

The House met according to Adjournment, and the Members were present as Yesterday.

Col^o Matthew Tilghman Ward, Col^o Mackall, M^r Thomas Robins, M^r Foster Turbutt, M^r Thomas Bordley and Capt. Richard Colegate are appointed a Committee of Laws.

Col^o Mackall, Capt. Codd, Major Wilson, M^r James Harris and M^r John Baker are appointed a Committee of Elections and Privileges.

M^r Tyler, M^r John Whittington, Capt. Daniel Mariarte Capt. Trippe and M^r Alex^r Parran are appointed a Committee of Aggrievances.

M^r Joseph Hill, Capt. Thomas Trueman Greenfield, Major John Bradford and Maj^r James Phillips are appointed a Committee of Accounts.

Ordered That the Committee of Laws prepare an Answer to his Excy's Speech with all convenient Speed.

The Petition of the Co-Heirs of Arnold Parramore being

read praying Leave to bring in a Bill to vest an Estate in fee L. H. J. in them of the Land called Weytuxon Leave is given to bring in a Bill accordingly.

Then M^r Speaker with the rest of the Members of this House as usual withdrew to attend his Excellency the Governor and the Hon^{ble} the Council to S^t Ann's Church to hear Divine Service imploring God's Blessing on the Debates and Councils of this Assembly.

Ordered That the following Message be sent to his Excy the Gov. and Council Viz.

By the House of Delegates
April the 27th 1715

This House in Order to dispatch Business as much as possibly may be has made a Resolution to sit from Eight O'Clock till Eleven in the Forenoon and from One in the Afternoon till five every Day during this Sessions and desire to know whether the Time Resolved on be agreeable to your Excy and Honours.

Signed p Order Tho. Macnemara Cl. Ho. Del.

Sent up by Capt. Mariarte and Capt. Dent. They return and say they delivered the same. M^r Peter Taylor a Member for Dorchester County appeared this Day in the House. And Ordered That Capt. Trippe and M^r John Hudson go up along with him to the Council Chamber to see him qualified by taking the usual Oaths appointed by Act of Parliament. They return and say they saw him qualified accordingly

The House adjourns till One O'Clock in the Afternoon p. 491

Wednesday Afternoon

The House met according to Adjournment. Present as in the morning.

Ordered That twenty two Members with the Speaker be a House to proceed on any Business during this Sessions.

Col^o Thomas Greenfield from the Hon^{ble} Council delivers M^r Speaker the following Viz.

By his Excellency the Governor and Council in Assembly
April the 27th 1715.

Gent.

Your Message by Capt. Mariarte and Capt Dent signifying your Resolution of sitting from Eight of the Clock in the

L. H. J. Forenoon till Eleven and from One in the Afternoon till five every Day during this psent Sessions is well approved of
Signed p Order W. Bladen Cl. Conl.

The House adjourns till to Morrow Morning Eight O'Clock.

Thursday Morning 28th April 1715.

The House met according to Adjournment. Present as on Yesterday.

Then was read the Proceedings of this House on Yesterday.

Ordered the Thanks of this House be given the Reverend M^r Samuel Shippen Rector of Saint Ann's for the excellent Sermon he preached yesterday before his Excy the Gov. and Council and the Members of this House by M^r Bordley M^r Tyler, Capt. Mariarte, M^r Robins, M^r Turbutt and Capt. Codd. They return and say they returned him thanks accordingly.

M^r Richard Colegate a Member for Baltimore County appeared this Day in the House

Ordered That Col^o James Maxwell and Major James Philips go up along with him to the Council Chamber to see him qualified by taking the usual Oaths appointed by Act of Parliament. They return and say they saw him qualified accordingly.

The House adjourns till One O'Clock in the Afternoon.

Thursday Afternoon

The House met according to Adjournment. Present as in the Morning.

The Petition of Richard Manning being read, it is ordered That the several Parties concerned attend at the Bar of this House at Eight of the Clock to Morrow Morning in Order for a full Debate of the matter alledged in the Petition.

Ordered That M^r Thomas Holdsworth and M^r Benjamin Tasker go up to the Council Chamber along with M^r Phelps Naval Officer of Potowmack to see him prove his Accounts. They return and say they saw him prove his Accounts.

The House adjourns till to Morrow Morning Eight O'Clock.

Fryday Morning 29th April 1715

The House met again according to Adjournment. Present as on Yesterday.

Then was read the Proceedings of this House on Yesterday.

Col^o Matthew Tilghman Ward from the Committee of Laws ^{L. H. J.}
delivers M^r Speaker an Answer to his Excys Speech which ^{P. 49^a}
being read is approved of and ordered to be entered as follows Viz.

To his Excellency the Governor.
May it please your Excy—

We the Delegates of this Province at this Time assembled beg Leave to return your Excy our most hearty and unfeigned Thanks for your most favourable Speech and humbly beg Leave to join with your Excellency in expressing our Thanks to Heaven for his Most Excellent Majesty King George's peaceable Accession to the Throne of his Ancestors the most happy Remedy that could alleviate the Grief we are truly affected with for the Loss of the best of Queens.

Nothing can make us more truly sensible of the Greatness of this Blessing than to see our Religion Laws and Liberties secured in his Majesty's Royal Person and Issue which puts an effectual Stop to those Insinuations that were secretly dispersed thro' his Majesty's Dominions, That these invaluable Advantages were in Danger than which nothing would be more grievous to us and which now is entirely removed by his Majesty's peaceable Possession of the Crown according to the Settlement of the Succession in the Protestant Line to which we shall strictly adhere and always endeavour to approve ourselves a dutiful and Loyal People.

We shall apply ourselves with the utmost Diligence to the Inspection of our Laws and to supply the Defects that shall be found therein.

We humbly submit to your Excellency's Opinion that since there has been an Act of Parliament lately made in Great Britain for the encouraging the Tobacco Trade it will not now be necessary for this House to enter upon any Thing of that Nature in this Province.

And it is with the utmost Sense of Gratitude imaginable we acknowledge that most gracious Condescension of the Crown in parting with so considerable a Part of it's Revenue for our Relief; nor can we forget the tender Care the Parliament of Great Britain has expressed on our Behalf in that particular. We are so fully satisfied how great a Benefit the encouraging the making of Hemp would be to the Province that if the Act made the second Day of April Anno Dom. 1706 for encouraging the making of Hemp and Flax within this Province shall not be found by experience, and further Observation sufficient to that End, We shall very readily proceed to a further

L. H. J. Consideration thereof and beg your Excellency's and the Honble Council's Assistance therein.

P. 493 It is with infinite Satisfaction we perceive your Excellency's good Inclinations in general in respect to the Welfare and Advantage of this Province and particularly in recommending to us the Improvement of Navigation and the Education of our Youth, Things which will undoubtedly render us happy in our Circumstances and considerable to our Neighbouring Colonies and which we think ourselves obliged in Duty to our Country to promote as far as in us lies with Regard had to the Poverty of this Province.

We must beg your Excellency's Leave to refer what other Matters of Weight you have proposed, to our more deliberate Consideration.

We likewise beg Leave to acquaint your Excellency that the good Assurance you have given us of his Majesty's Personal Virtues and the true Representation of them in your self together with that extraordinary Zeal and Diligence you have always shewn for his Majesty's Service, especially by your Proclamation of his Rights in the most expeditious Manner (after Notice here) secures us so far of our happy Circumstances that our Common Good obliges us to pray for his Majesty's long and prosperous Reign and for your Excellency's Health in a continued Governm^t over us.

Signed p Order Tho^s Macnemara Cl. Ho. Del.

The foregoing Answer is sent up to his Excy the Gov^r by M^r Rousby, Col^o Ward, M^r Tyler, Capt. Colegate, Major Phillips, M^r Ballard, M^r Joseph Hill and M^r Foster Turbutt. They return and say they delivered the same.

The Petition of Richard Manning being read the Consideration of the House thereon is referred to the fourth Day of next Sessions and Summons is to issue for all the Evidences to be named by the Parties concerned to appear then to give their Testimony: And whereas William Phillips of Dorchester County has been summoned to appear as an Evidence on Behalf of the Petitioner before this House and refused to obey the same; It is Ordered That Summons issue to him requiring his Appearance before the Bar of this House on the fourth Day of next Assembly to answer for his Contempt and further to give his Evidence in Behalf of the Pet^r touching the Matters in the Petition.

Ordered That the Clerk of this House for the Time being on the Application of any Person seeking Relief before this House issue Summons requiring all Evidences to be named

to appear before the Bar of this House and also to the Parties L. H. J. to be complained of and against whom such Relief is prayed taking the same Fees as is allowed the Secretary in such Cases.

The Petitions of Thomas Larkin and Samuel Chambers P. 494 being read in the House are referred to be considered of till next Tuesday at which Time all Parties concerned having due Notice are to appear before this House.

The House adjourns till One O'Clock in the Afternoon

Friday Afternoon

The House met again according to Adjournment. Present as in the Morning.

John Hall Esq. from the Honble Council delivers M^r Speaker the following Viz.

Copies of two of the Royal Instructions to his Excellency the Governor of Maryland

You are to transmit authentick Copies of all Laws, Statutes and Ordinances that are now made and in Force which have not yet been sent or which at any Time hereafter shall be made or enacted within our said Province; each of them Separately under the publick Seal unto us and to our Commissioners for Trade and Plantations within three Months or by the first Opportunity after their being Enacted together with Duplicates thereof by the next Conveyance upon Pain of our highest Displeasure and Forfeiture of that Year's Salary.

And that it may be better understood what Acts and Laws are in Force in our said Province of Maryland You are with the Assistance of our Council there to take Care that all Laws now in Force be revised and considered and if there be any Thing either in the Matter or Stile of them which may be retrenched or altered you are to represent the same to us with your Opinion touching the said Laws now in Force (whereof you are to send a compleat Body unto us and our Commissioners for Trade and Plantations with such Alterations as you shall think requisite) to the End our Approbation or Disallowance may be signified thereupon.

Signed p order W. Bladen Cl. Coun.

By his Excellency the Governor & Council in Assembly
April the 29th 1715

His Excellency the Governor with the Advice of this Board has thought fit to communicate to the House of Delegates the two above written Royal Instructions.

Signed p order W Bladen Cl. Coun.

The House adjourns till to Morrow Morning Eight O'Clock

L. H. J.

Saturday Morning 30th April 1715.

The House met again according to Adjournment. Present as Yesterday.

Then was read the Proceedings of this House on Yesterday.

M^r Alexander Warfield being sick is excused from this Day's Attendance.

Ordered That the following Message be sent to his Excellency the Governor Viz.

By the House of Delegates
30th April 1715

p. 495 On reading the Petition of Roger Boyce to this House complaining of an Embezzlement made of some Leaves in a Record Book in Calvert County and on Inspection of the Record Book and Examination of M^r John Warren Deputy Clerk to M^r Edward Boteler Clerk of Calvert County Court this House find Reason to believe and it is therefore Resolved Nemine contradicente that an Embezzlement was made in the said Record Book and as this House cannot proceed to punish the Offenders we humbly desire your Excellency will be pleased to command the Attorney General to make a due Examination of so hateful an Offence and that Care be had to bring the Persons Suspect^d to be the Offenders (if found guilty) to condign Punishment that such Abuses may not hereafter be committed with Impunity.

Signed p Order Tho. Macnemara Cl. Ho. Del.

They return and say they delivered the same.

Col^o John Mackall from the Committee of Elections and Privileges delivers M^r Speaker the following Report Viz.

By the Committee of Elections and Privileges
April the 30th 1715.

We find the several Members returned to serve for S^t Mary's County Viz. Cap^t Tho^s Trueman Greenfield, M^r John Baker, M^r Matthew Mason and M^r Sam^l Williamson upon due Examination made to be duly elected according to Law.

We also find the several Members returned to serve for Kent County Viz. M^r James Harris, M^r William Blay, M^r S^t Ledger Codd, and M^r Andrew Hamilton upon due Examination made to be duly elected according to Law.

We also find the several Members returned to serve for Talbot County Viz. Robert Ungle Esq^r Col^o Matthew Tilgh-

man Ward, M^r Thomas Robins and M^r Foster Turbut upon L. H. J.
due Examination made to be duly elected according to Law.

We also find the several Members returned to serve for Calvert County. Viz. Col^o John Mackall, John Rousby Esq^r M^r Alexander Parran and M^r Thomas Holdsworth upon due Examination made to be duly elected according to Law.

We also find the several Members returned to serve for Prince George's County Viz. M^r Robert Tyler, L^t Col^o Tho^s Sprigg, Major Josiah Wilson and Major John Bradford upon due Examination made to be duly elected according to Law.

We also find the several Members returned to serve for Somerset County Viz. M^r John Purnell, M^r Thomas Dashield Capt. Charles Ballard and M^r Samuel Hopkins upon due Examination made to be duly elected according to Law.

We also find the several Members returned to serve for Ann Arundel County Viz. Capt. Daniel Mariarte, M^r Joseph Hill, M^r Alexander Warfield and M^r Thomas Bordley upon due Examination made to be duly elected according to Law.

We also find the several Members returned to serve for p 496
Charles County Viz. Capt. Tho^s Dent, M^r Thomas Stone, Capt. John Fendall and M^r Joseph Harrison upon due Examination made to be duly elected according to Law.

We also find the several Members returned to serve for Cecil County Viz. Major John Ward, M^r Matthias Vanderheyden, L^t Col^o Ephraim Aug. Herman and M^r Francis Maulden upon due Examination made to be duly elected according to Law.

We also find the several Members returned to serve for Baltimore County Viz. Col^o James Maxwell, Major James Phillips, M^r Richard Colegate and M^r Francis Dallahide upon due Examination made to be duly elected according to Law.

We also find the several Members returned to serve for Queen Ann's County, Viz. M^r John Whittington, M^r Solomon Clayton, M^r Charles Wright and M^r Edward Brown upon due Examination made to be duly elected according to Law.

We also find the two Members returned to serve for the City of Annapolis Viz. M^r Amos Garrett and M^r Benjamin Tasker upon due Examination made to be duly elected according to Law.

We also find three of the Members returned to serve for Dorchester County Viz. Major Roger Woolford, Capt. Henry Trippe and M^r Peter Taylor upon due Examination made to be duly elected according to Law.

Signed p Order John Beale Clk. Com.

- L. H. J. With which Report the House concurs.
The House adjourns till One O'Clock in the Afternoon

Saturday Afternoon

The House met again according to Adjournment. psent as
in the Morning.

Philemon Lloyd Esq. from the Honble Council delivers M^r
Speaker the following Message Viz.

By his Excellency the Gov. and Council in Assembly
Ap^l the 30th 1715.

In Compliance with your Request in your Message by M^r
Parran and M^r Dashield his Excy has been pleased to order
the Attorney General to issue Summons and other proper
Process of the Provincial Court in Order to examine Witnesses
and to bring to condign Punishment all or any Persons what-
soever who may reasonably be supposed to have embezzled
the Record of Calvert County Court mentioned in Roger
Boyce's Petition. And whereas this is not the first Offence of
the like Nature that has been represented to the Legislature
of this Province his Excy recommends it to your Consideration
whether it may not be advisable to make a particular Law
this Sessions for the Punishment of such Offences which may
hereafter be committed within this Province.

Signed p order W Bladen Cl. Council

- p. 497 Upon reading the Petition of Benjamin Woodward and
Mary his wife this Day in the House Leave is given to bring
in the Bill prayed for but the Persons interested in the Land
may attend if they think fit to Offer their Reasons (if any they
have) against the passing of the Bill on the first or second
Reading thereof.

L^t Col^o Young and Col^o Tilghman from the Honble Council
deliver M^r Speaker the following Message Viz.

By his Excy the Governor and Council in Assembly
April 30th 1715.

His Excellency and this Board being of Opinion that if all
Tobaccos in this Province were got ready in Cask by the
tenth of May Yearly and that no Tobaccos should be paid
away or shipt after that Time till the first of October following
in any one Year it would mightily conduce to the Advance-
ment of our Staple and lessening the Price of Freight, have
therefore thought fit to desire a Conference between some of

the Members of your House and of this Board to be held on L. H. J. Friday the sixth of May next on that Subject.

Signed p order W Bladen Cl. Conl.

Which said Message is to be read and considered of on Monday Morning.

The House adjourns till Monday Morning Eight O'Clock.

Monday Morning May the 2^d 1715

The House met according to Adjournment. Present as on Saturday.

Then was read the Proceedings of this House on Saturday.

The Message following being prepared was entered Viz.

By the House of Delegates

2^d May 1715

May it please your Excy and Honⁿ

In Pursuance to your Message of the 30th of April last by L^t Col^o Samuel Young and Col^o Richard Tilghman we have appointed Col^o Matthew Tilghman Ward, Col^o John Mackall, Major James Phillips, Capt. Thomas Trueman Greenfield, Major Roger Woolford, and Capt. S^t Ledger Codd to join some of your Hon^{ble} Board in a Conference relating to the Matter in that Message but leave the Place to be appointed by your Excellency and Honⁿ

Signed p Order Tho. Macnemara Cl. Ho. Del.

The same is sent up to the Hon^{ble} Council by M^r Hill, Major Philips, M^r Hudson and M^r John Whittington.

They return and say they delivered the same.

A Bill for reinvesting Mary and Ann Seward Daughters and Co-Heirs to William Seward, late of Dorchester County deceased the Son and Heir of George Seward formerly of the said County in a certain Tract of Land in Dorchester County called Sectar was read the first and second Time by especial Order and none having appeared to offer any thing against it was ordered to be thus indorsed Viz. p. 498

By the House of Delegates

2^d May 1715

Read the first and second Time by especial Order and will pass.

Signed p Order Tho. Macnemara Cl. Ho. Del.

L. H. J. The foregoing Bill is sent up to the Honble Council by M^r Hudson and M^r Dashield.

They return and say they delivered the same.

The Petition of Renatus Smith praying Leave to bring in a Bill empowering him to sell some of the Lands of Robert Smith Esq^r for Payment of his Debts; and to repay him several Sums he paid over and above the real value of the said Robert Smith's Personal Estate and Land sold, being read, Major Roger Woolford and Capt. Thomas Dent are added to the Committee of Accounts till a Report be made of the said Petition and the Matters therein contained; to which Committee the Petitioners Case is referred for Examination.

The House adjourns till One O'Clock in the Afternoon.

Monday Afternoon

The House met according to Adjournment. Present as in the Morning.

Whereas Andrew Hamilton Esq. a Member returned to serve as a Delegate for Kent County has not yet appeared in this House to attend the Service of the Country nor sent any Excuse for his Absence; therefore it is Resolved the said Andrew Hamilton has not complied with the Duty of a Delegate and for that Reason it is Ordered That the Speaker issue his Warrant to M^r Richard Young Serjeant Attendant of this House or his Deputy by him to be appointed and his or their Assistants commanding them and every of them to take into his or their Custody the Body of the said Andrew Hamilton and him bring with all convenient Speed before this House to answer the Premises.

The House adjourns till to Morrow Morning Eight O'Clock

Tuesday Morning 3^d May 1715

The House met again according to Adjournment. Present as on Yesterday.

Then was read the Proceedings of this House on Yesterday.

Col^o Coursey and Col^o Addison from the Honble Council deliver M^r Speaker the following Message Viz.

By the Council in Assembly
May the 2nd 1715.

Gentlemen,

Your Message this Morning by M^r Hill and others being read at the Board and the subject Matter of the Conference

proposed being of extraordinary Moment we desire you if you L. H. J. think it advisable to appoint a Member of your House out of each County in this Province to confer with the Hon^{ble} Col^o Coursey, Col^o Samuel Young, Col^o Thomas Addison and Col^o Richard Tilghman, And that if it may be agreeable to you his p. 499 Excellency desires the Conference may be held at his House he having something of Moment to offer which may save the Trouble of many Messages.

Signed p Order W Bladen Clerk of Council

A Bill for reconciling Differences in Relation to the Bounds of Land within this Province and for settling the Bounds thereof was read the first Time and Ordered a second Reading on Saturday Morning the 7th Instant

The Petition of Philemon Ephraim and Thomas Emerson praying Leave to bring in a Bill for Sale of some intailed Lands being read this Day in the House is Rejected.

The Petition of Daniel Philips of Calvert County being read the following Message is prepared Viz.

By the House of Delegates

3^d May 1715

May it please your Excy

The Petition of Daniel Philips to this House herewith sent seeking for a Recommendation of his Case about a Judgment obtained against Henry Mitchell deceased whose Adm^r your Petitioner is, being read, the Petitioner's Case being found by the House to be deplorable, is humbly referred to your Excy for all the Relief that may be given by giving Directions in Relation to the Prosecution and favourably representing his Case to his Majesty.

Signed p Order Tho. Macnemara C. H. D.

Sent up to the Hon^{ble} Council by M^r Thomas Holdsworth and M^r Peter Taylor.

They return and say they delivered the same.

The following Message being prepared to the Hon^{ble} Council in Answer to the Message brought down this Morning by Col^o Coursey and Col^o Addison is ordered to be entered as follows Viz.

By the House of Delegates

the 3^d of May 1715

May it please your Honours,

In Compliance with your Message of Yesterday by Col^o Coursey and Col^o Addison this House has appointed Col^o

L. H. J. Ward, Col^o Mackall, Capt. Greenfield, Capt. S^t Ledger Codd, M^r Joseph Hill, M^r Joseph Harrison, M^r Samuel Hopkins, Major Roger Woolford, Major James Philips, M^r Robert Tyler, Major John Ward, M^r Charles Wright and M^r Amos Garrett to confer with the Members appointed by your Hon^{ble} Board on Friday next at one of the Clock in the Afternoon at the Place proposed about the subject matter and we must acknowledge that his Excys Offer to assist at this Conference, and that at his own House, is a Confirmation to us of his good Intentions to promote the Welfare of this Province for which we return his Excy our hearty Thanks.

Signed p Order Tho^s Macnemara Cl. Ho. Del.

p. 500 Sent up to the Hon^{ble} Council by M^r Rousby, M^r Tyler, M^r Clayton & M^r Taylor.

They return and say they delivered the same.

Col^o Whittington from the Hon^{ble} Council delivers M^r Speaker the following Message Viz.

By his Excy the Gov. and Council in Assembly
May the 3^d 1715

Upon reading the Petition of Daniel Philips the surviving Administrator of Col^o Henry Mitchell late of Calvert County deceased with your Recommendation in the Petitioner's Favour several new Facts being observed to be alledged in the said Petition and M^r Thomas Macnemara who is at present attending upon your House as Clerk thereof being chiefly concerned for the Crown on Prosecution of the Navigation Bond mentioned in the said Petition We desire you will give the said M^r Macnemara Leave to attend this Board to Morrow Morning at Eleven of the Clock when the said Petition will be again read here.

Signed p Order W Bladen Clerk of the Council

Whereupon Leave is given the said Thomas Macnemara to attend on the Council Board to Morrow Morning about Eleven of the Clock about the above Matter.

M^r Bernard White is appointed Clerk Assistant to the Clerk of this House as is to be allowed for his Attendance from the Beginning of the Sessions.

The House adjourns till One O'Clock in the Afternoon

Tuesday Afternoon

The House met again according to Adjournment. Present as in the Morning.

The Petitions of Samuel Chambers and Thomas Larkin are L. H. J.
referred to the Committee of Laws to examine the Truth of
the Allegations in the said Petitions, and to hear all Parties
concerned and make a Report thereon with all convenient
Speed

Col^o John Mackall from the Committee of Elections and
Privileges delivers M^r Speaker the Report of the Committee
on the Petition of some of the Inhabitants of Dorchester
County complaining of the undue Election of M^r John Hod-
son a Delegate returned for Dorchester County which was
referred by the House to the Committee for Examination, which
Report is as follows Viz.

By the Committee of Elections and Privileges
May the 3^d 1715.

We of the Committee upon hearing the Allegations as well
of the Petitioner as the Sheriff in his Defence in Relation to
the Premises within mentioned and by taking the Depositions
of several Evidences to us produced, which is hereunto
annexed, do find the within named M^r John Hodson to be
duly elected

Signed p Order Joh Beale Clk. Com.

With which Report the House concurs and therefore it is
Resolved Nemine contradicente That the said John Hodson
is duly elected according to Law.

Col^o Matthew Tilghman Ward, from the Committee of Laws p. 501
delivers M^r Speaker a Bill for directing the Manner of suing
out Attachments and limiting the Extent of them.

Which was read the first Time and Ordered to be read a
second Time on Thursday Morning the 5th Instant.

The House adjourns till to Morrow Morning Eight of the
Clock.

Wednesday Morning May the 4th 1715

The House met according to Adjournment. Present as on
Yesterday.

Then was read the Proceedings of this House on Yesterday.

Col^o William Holland, Col^o Coursey, L^t Col^o Young, Col^o
Tilghman, Col^o Thomas Greenfield, Col^o William Whittington,
John Hall Esq^r and Col^o Thomas Addison from the Hon^{ble}
Council deliver M^r Speaker a Bill of a most joyful and just
Recognition of the immediate, lawful and undoubted Suc-
cession and Right of the Crown of Great Britain and the

L. H. J. Kingdoms and Dominions thereunto belonging to the King's most Excellent Majesty thus indorsed Viz.

By the Council in Assembly

May the 4th 1715

Read the first and second Time by especial Order and will pass.

Signed p Order W Bladen Cl. Council.

The same being read in the House, Was Ordered to be thus indorsed Viz.

By the House of Delegates

May the 4th 1715.

Read the first and second Time by especial Order and will pass.

Signed p Order Tho. Macnamara Cl. Ho. Del.

The Petition of Ledstone Smallwood son of Col^o James Smallwood deceased and of John Smallwood his Grandson praying Leave to bring in a Bill to confirm a Deed Poll made by the said Smallwood deceased for conveying of Land to them in fee Simple and fee Tail was read and Ordered Leave be given to bring in a Bill with a Salvo to the widow of Col^o Smallwood of her Right of Dower in such Sort as if the Act never past.

A Bill for supplying a Defect in the last Will and Testament of John Parramore decēd was read the first and second Time by especial Order and Ordered to be thus indorsed Viz.

By the House of Delegates

May the 4th 1715.

Read the first and second Time by especial Order and will pass.

Signed p Order Tho. Macnemara Cl. Ho. Del.

The same is sent up to the Hoⁿble Council by M^r Ballard and M^r Purnell.

They return and say they delivered the said Bill.

The House adjourns till One O'Clock in the Afternoon

Wednesday Afternoon

The House met again according to Adjournment. Present as in the Morning.

Col^o William Whittington from the Hon^{ble} Council delivers L. H. J.
M^r Speaker the Bill for supplying a Defect in the last Will ^{p. 502}
and Testament of John Parramore decēd thus indorsed Viz.

By his Excellency the Governor and Council in Assembly
May the 4th 1715

This Bill being read at the Board and it being observed
that there does not appear any Notice was given to Thomas
Parramore who claims the Land and has it in Possession by
his under Tenants his Excellency and this Board desire to
know what Proof has been made to your House of such Notice
given before the Bill passes this Board.

Signed p Order W Bladen Cl. Council.

Col^o Thomas Greenfield from the Hon^{ble} Council delivers
M^r Speaker the following Message Viz.

By his Excellency the Governor and Council in Assembly
May the 4th 1715.

Upon reading your Message in favour of M^r Daniel Philips,
Surviving Adm. of Col^o Henry Mitchell heretofore of Calvert
County deceased, and the said Daniel Philips's Petition the
Petitioner with his Council has been heard at this Board but
not making good the Allegations in his Petition, or offering
other sufficient Matter to induce his Excellency to suspend
the Prosecution of his Majesty's Suit against him ; it has been
Resolved by this Board Nemine contradicente that it is not
advisable for his Excy to give any Directions for suspending
the Prosecution of the said Suit ; especially considering the
express Instructions his Excy hath received on those Occasions

Signed p Order W Bladen Cl. Conl.

Col^o John Mackall from the Committee of Laws delivers
M^r Speaker an ingrossed Bill of a most joyful and just
Recognition of the immediate lawful and undoubted Succes-
sion and Right of the Crown of Great Britain and of the
Kingdoms and Dominions thereunto belonging to the King's
most Excellent Majesty. Which being read was assented to
by the House of Delegates and ordered to be thus indorsed
Viz.

May the 4th 1715.

Read and assented to by the House of Delegates and
Signed p Order Tho. Macnemara Cl. Ho. Del.

- L. H. J. Sent up to the Honble Council by M^r Tyler, M^r Wilson, Capt. Mariarte, M^r Parran, Col^o Maxwell, M^r Ballard, M^r Harrison, M^r Tasker, Capt. Harris, M^r Clayton, Capt. Codd, M^r John Whittington, Major Ward, M^r Baker, M^r Warfield & M^r Stone.
- They return and say they delivered the said Bill.
- M^r Thomas Bordley from the Committee of Laws delivers M^r Speaker the Petition of Thomas Larkin and Samuel Chambers thus indorsed Viz.

By the Committee of Laws
May the 4th 1715

- p. 503 Upon reading the within Petition and examining the Truth of the Petitioner's Allegations it is humbly reported that it is reasonable to allow the Petitioner M^r Thomas Larkin to bring in a Bill for Confirmation of his Deed of Sale from William Lunn in as full and ample Manner as if the same had been duly acknowledged & recorded And also to allow the Petitioner Chambers to bring in a Bill for the Confirmation of his Deed from Matthew Beard to Stephen Wright and from Stephen Wright to Samuel Chambers Notwithstanding any Defect of Acknowledgment or of Recording the same; the Petitioners in that Behalf having made good their Allegations.
- Signed p Order. John Beard Cl. Conl.

With which Report the House concurs, and Leave is given to bring in the said Bill as prayed.

M^r Charles Wright being much indisposed is excused from his Attendance this Day in the House

Col^o W^m Coursey, Col^o Young, Philemon Lloyd Esq. and Col^o Tilghman from the Honble Council acquaint M^r Speaker that the ingrossed Bill of a most joyful and just Recognition of the immediate lawful and undoubted Succession of the Crown of Great Britain and of the Kingdoms and Dominions thereunto belonging to the King's Most Excellent Majesty was read and assented to by the Honble Council, and that his Excy commanded him and this House to attend him immediately in the Council Chamber to see his Excy the Gov^r seal the same and give his Assent thereunto on Behalf of his Majesty.

Whereupon the House in Obedience to his Excy's Command went to attend his Excy accordingly in the Council Chamber to see him assent to the said Bill on Behalf of his Majesty, wherein M^r Speaker presented to his Excy the Bill of a most joyful and just Recognition of the immediate lawful and undoubted Succession and Right of the Crown of Great

Britain and of the Kingdoms and Dominions thereunto be- L. H. J.
longing to the King's most Excellent Majesty which his
Excellency the Gov. was pleased to enact into a Law by seal-
ing the same with the Seal of this Province and indorsing it
in the following Words Viz.

4th May 1715

On Behalf of his Sacred Majesty George King of Great
Britain France and Ireland &c^a I will this be a Law.

John Hart.

After which M^r Speaker with the House returned and M^r p. 504
Speaker resumed the Chair

John Hall Esq^r from the Hon^{ble} Council delivers M^r Speaker
the Petition of some of the Freeholders inhabiting on the South
Side of Patapsco River in Baltimore County praying that all
that Part of the South Side of Patapsco River in Baltimore
County may be united to Ann Arundel County with the
following Indorsement

By his Excy the Gov. and Council
May the 4th 1715

This Petition being read at the Board is referred to the
Consideration of the House of Delegates

Signed p Order W Bladen Cl. Conl.

The House adjourns till to Morrow Morning Eight O'Clock.

Thursday Morning May the 5th 1715

The House met according to Adjournment. Present as on
Yesterday

Then was read the Proceedings of this House on Yesterday.

A Bill directing the Manner of suing out Attachments and
limiting the Extent of them was read the second Time and the
Question being put whether it shall pass or not is Resolved
in the Negative by Majority of Votes.

A Bill making valid and effectual in Law a Deed Poll made
by Col^o James Smallwood late of Charles County deceased to
his Son Ledstone Smallwood and his Grandson John Small-
wood of a Tract of Land lying in the said County near Port
Tobacco and vesting in them an Estate in fee Tail General
in the said Tract according to the true Intent and Meaning of

L. H. J. the said Deed. Read the first and second Time by especial Order and Ordered to be thus indorsed Viz.

Read the first and second Time by especial Order and will pass.

Signed p Order Tho. Macnemara Cl. Ho. Del.

The foregoing Bill is sent up to the Honble Council by M^r Fendall & M^r Stone.

They return and say they delivered the Bill.

The Petition of the Vestrymen of New Port Division of William and Mary's Parish in Charles County being read this Day in the House praying that New Port Hundred Part of William and Mary's Parish in Charles County may be reunited to King and Queen's Parish in Saint Mary's County being read and the Question being put whether the Act of Assembly for uniting New Port Hundred to William and Mary's Parish in Charles County shall be repealed or not—

It is Resolved in the Affirmative by Majority of Votes.

Thereupon Ordered That Leave be given to the Delegates of St Mary's County to bring in a Bill for repealing the Act
p. 505 Entituled an Act for uniting New Port Hundred now Part of King and Queen's Parish to William and Mary's Parish in Charles County and for reuniting the said Hundred to King and Queen's Parish in Saint Mary's County.

Col^o William Holland, Col^o Coursey, L^t Col^o Samuel Young and Col^o Thomas Addison from the Honble Council deliver M^r Speaker the Bill reinvesting Mary and Ann Seward Daughters and Coheirs of William Seward late of Dorchester County deceased the Son and Heir of George Seward formerly of the said County in a certain Tract of Land in Dor. County called Sectar with the following Indorsment Viz.

By the Council in Assembly
May the 4th 1715

This Bill being this Day read at the Board and the Parties concerned therein heard by their Council and it being offered that the Petitioners for the Bill may have Relief in Chancery by Sci. fa. against the Assignee of the Patentee,

Resolved thereupon that since the Law has pointed out a Method for vacating the Patent the Petitioners ought to seek their Remedy there, before they apply to the General Assembly: And forasmuch as it is not doubted but the Lord Proprietor will on the vacating the former Patent make a

Grant to the Petitioners of the Land it does not seem advisable L. H. J.
the Assembly should interpose therein.

Signed p Order W Bladen Cl. Conl.

The Petition of some of the Freeholders inhabiting on the South Side of Patapsco River in Baltimore County praying that all that Part of the South Side of Patapsco River in Baltimore County may be united to Ann Arundel County being read this Day in the House the Consideration thereof is referred to next Sessions of Assembly.

The Petition of several of the Inhabitants and Freeholders of Baltimore County on Behalf of themselves and several others his Majesty's Subjects being read this Day in the House the Consideration thereof and the Matter therein contained is referred to the Committee of Laws who are to consider thereof in revising the Act for Tillage.

M^r Robert Tyler from the Committee of Aggrievances delivers M^r Speaker the following Report.

By the Committee of Aggrievances

April the 29th 1715

It is humbly offered to this Committee as an Aggrievance that there is no Care taken to appoint some careful Men in every County to hear and determine all Manner of Differences and Disputes that shall arise between the English and the Indians.

It is further humbly offered to this Committee that it is an Aggrievance that several Sheriffs within this Province make an Advantage of that Law, that says they shall be obliged to receive Money at 1^d p^b for Tobacco due in the Public by the twenty fifth Day of December, no Time being ascertained in the Law when to pay it away when Tobacco is a Commodity will neither pay nor discount with those that have Claims on them without they have some Reward for so doing. All which is referred to the House for their Consideration of the same. p. 506

Signed p Order Joh Beale Cl. Com.

Thereupon it is Ordered that the same Report be referred to the Committee of Laws to be considered of by them who are to prepare Bills for remedying the same.

The House adjourns till One of the Clock in the Afternoon

Thursday Afternoon

The House met again according to Adjournment. Present as in the Morning.

L. H. J. Richard Young Serjeant attendant on this House brings here the Body of Andrew Hambleton Esq^r by Virtue of the Hon^{ble} the Speaker's Warrant to him directed.

And M^r Speaker having asked the Reason why he the said Hambleton has been hitherto absent from the Service of this House as being returned a Delegate for Kent County; He offered to the Speaker that he was engaged to attend at a Supreme Court in the Territory of Pennsylvania held or appointed to be held on the 29th of last Month there to appear as Council for some Persons he was retained a long Time before he was elected and that he had no Opportunity to send his Excuse unto the House being at the Time he heard of the said Court a hundred Miles from his own House on Chester River.

It is Resolved that the same Andrew Hambleton be excused for his Absence hitherto paying the Clerk of this House twenty Shillings Current Money and to the Serjeant Attendant the Sum of forty Shillings Current Money and to the Door-keeper five Shillings which Sums the said Andrew Hambleton is ordered to pay to the said respective Officers and thereupon is admitted a Member. And thereupon Capt. S^t Ledger Codd and M^r William Blay are sent up along with him to the Governor and Council to see him qualified according to Law.

They return and say they saw him qualified.

M^r Robert Tyler from the Committee of Aggrievances delivers M^r Speaker the following Report Viz.

By the Committee of Aggrievances
May the fourth 1715

It is humbly offered to this Committee as an Aggrievance that the Justices of Dorchester County have sold and disposed to the two late Sheriffs of their County the several Amerciaments that have become due in their County for several years past for considerable less than the Value, whereby it is not only lessening their County Credit but gives Power to the said Sheriffs to burthen the People from whom the Amerciaments are due with several Fees by bringing Scire facias against them. All which we refer to the House for Consideration thereof

Signed p Order Joh Beale Cl. Com.

p. 507 Thereupon it is Ordered that the Committee of Laws prepare a Bill about Amerciaments in the Prov^l and County Courts to prevent the Inconveniency in the said Report mentioned for the future.

M^r Andrew Hambleton is added to the Committee of Laws. L. H. J.
The following Message being prepared is ordered to be entered Viz.

By the House of Delegates
May the 5th 1715

May it please your Excy

By an Act of Assembly of this Province entituled an Act for Amerciaments in the Provincial and County Courts made the 23^d of Sept. 1704 all Amerciaments in the Provincial Court are to be employed as the Governor and Council think fit but it not appearing to this House how the same have been employed or that they have been accounted for since the passing that Act, humbly pray your Excellency will order an Account of them to be laid before us this Sessions.

Signed p Order Tho. Macnemara Cl. Ho. Del.

Sent up to his Excellency the Governor by Capt. Dent and M^r Harrison

They return and say they delivered the same.

Col^o William Whittington from tne Honble Council delivers M^r Speaker the following Message Viz.

By his Excy the Gov. and Council in Assembly
May the 5th 1715

Gentlemen,

On Receipt of your Message by Capt. Dent and M^r Harrison his Excy has been pleased to enquire how the Prov^l Amerciaments have been disposed of and was informed by the Clerk of this Board that by an Order in Council made in his Excy Gov. Nicholson's Time the said Prov^l Amerciam^{ts} were settled on the then Clerk of the Council M^r Henry Denton the better to enable him to keep a Clerk and afterwards upon the present Clerk's coming into the Office he had Execution granted to him at two several Times for them one in his Excy Col^o Blackiston's Time and one during Col^o Seymour's Government, by Virtue whereof he has received a small quantity of Tob^o scarce worth his Trouble and Charge in making them out to the several Counties and will be ready to render an Account of what he has received thereof.

Signed p Order W Bladen Cl. Conl.

With which the House is satisfied.

Col^o Ward from the Committee of Laws delivers M^r Speaker a Bill for Amerciaments in the Provincial and County Courts

L. H. J. which was read the first Time and ordered to be read the
p. 508 second Time on Saturday next being the 7th Instant.

The House adjourns till to Morrow Morning Eight O'Clock.

Friday Morning 6th May 1715

The House met according to Adjournment. Present as on
Yesterday.

Then was read the Proceedings of this House on Yesterday.

A Bill for the making good and valid a written Indenture
or Deed of Bargain and Sale from William Lun late of Ann
Arundel County deceased to Thomas Larkin Gent. was read
the first and second Time by especial Order and ordered to be
thus indorsed Viz.

By the House of Delegates

6th May 1715

Read the first and second Time by especial Order and will
pass

Signed p Order Tho. Macnemara Cl. Ho. Del.

The same was sent up to the Hoⁿble Council by Capt.
Mariarte & M^r Warfield

They return and say they delivered the same.

The House having taken into Consideration his Majesty's
two Royal Instructions to his Excy the Gov. about revising
the Laws of this Province sent down to this House on the 29th
of April last by John Hall Esq. the following Message is pre-
pared in Answer thereto, and ordered to be entered Viz.

By the House of Delegates

May the 6th 1715

The two Royal Instructions sent us by John Hall Esq^r on
the 29th of last Month being considered in Order to effect
what is therein mentioned and that we may the better under-
stand what your Excellency and Honours take to be our Duty
in that Affair, desire some of the Hoⁿble Members of your
Board may be appointed to confer with some of this House
about that Subject to Morrow Morning

Signed p Order Tho. Macnemara Cl. Ho. Del.

Sent up to the Hoⁿble Council by M^r Tyler, M^r Rousby,
M^r Hopkins and Capt. Dent.

They return and say they delivered the said Message

The Petition of Charles Scott and Robert Neale being read L. H. J.
this Day in the House is referred to the Committee of Laws
for Examination of the Truth of the Allegations in the said
Pet^o and are to report thereon.

A Bill for repealing an Act of Assembly Entituled an Act
for uniting New Port Hundred now Part of King and Queen's
Parish to William and Mary's Parish in Charles County and
for reuniting the same to King and Queen's Parish in St.
Mary's County, Read the first and second Time by especial
Order and ordered to be thus indorsed Viz.

By the House of Delegates
May the 6th 1715.

Read the first and second Time by especial Order and will
pass.

Signed p Order. Tho. Macnemara Cl. Ho. Del.

Sent up by Capt. Greenfield and M^r Baker.

P. 509

They return and say they delivered the said Bill.

Major James Philips from the Committee of Accounts
delivers M^r Speaker the following Report on Renatus Smith's
Petition Viz.

By the Committee of Accounts
May the 6th 1715

The within Petition being read and all other Papers thereto
relating examined by this Committee together with the Peti-
tioner's Case referred from the House and for that the Pet^r
has divers other Claims to make which at psent he cannot
accomplish wherefore he prays that all and every the Matters
aforesaid and the Consideration thereof may be referred to
the next Session of Assembly for hearing, which is humbly
referred to the House

Signed p Order Tho^r Jones Clk Com.

Thereupon it is Resolved the same be referred to the Con-
sideration of next Sessions of Assembly.

Col^o William Coursey, Col^o Young, Col^o Addison and Col^o
Tilghman from the Hon^{ble} Council deliver M^r Speaker the
following Message Viz.

By his Excy the Governor and Council in Assembly
May 6th 1715

Gent.

In Answer to your Message by M^r Tyler and three others
of your House we acquaint you that the Conference therein

L. H. J. by you desired is agreed to by this Board and further (if it may be by your good Liking) it is desired the Members of your House and of this Board appointed to hold the Conference this Day relating to Tobacco being got ready may be appointed of this Conference and that it may be held in the Afternoon at his Excellency's House where he is pleased to say he will show them his original Instructions and offer some Reasons to their Consideration. All which is desired for the better Dispatch of Business.

Signed p Order W Bladen Cl. Council.

The following being prepared in Answer thereto, is ordered to be entered Viz.

By the House of Delegates
May the 6th 1715.

May it please your Excy and Honours—

This House agree with the Proposal made in your Message of this Day by Col^o Coursey L^t Col^o Young, Col^o Tho^o Addison and L^t Col^o Richard Tilghman.

Signed p Order Tho. Macnemara Cl. Ho. Del.

Sent up to the Hoñble Council by the Members appointed to be Conferrees.

They return and say they delivered the same.

Col^o Thomas Greenfield from the Hoñble Council delivers
M^r Speaker the Bill for the making good and valid a certain
p. 510 Indenture or Deed of Bargain and Sale from W^m Lun late of
Ann Arundel County deceased to Thomas Larkin Gent. with
the following Indorsment Viz.

By the Council in Assembly
May the 6th 1715.

Read the first and second Time by especial Order and will pass.

Signed p Order. W. Bladen Cl. Conl.

Which Bill was the same Day read the third Time in the House of Delegates and past for ingrossing.

Philemon Lloyd Esq. from the Hoñble Council delivers M^r Speaker the Bill for repealing an Act of Assembly Entituled an Act for uniting New Port Hundred now Part of King and Queen's Parish to William and Mary's Parish in Charles

County and for reuniting the same to King and Queen's L. H. J.
Parish in S^t Mary's County thus indorsed Viz.

By the Council in Assembly
May the 6th 1715

Read in Council the first and second Time & by especial
Order and will pass

Signed p Order W Bladen Cl. Council

Which Bill was the same Day read the third Time in the
House of Delegates and past for ingrossing.

The House adjourns till One O'Clock in the Afternoon

Friday Afternoon

The House met according to Adjournment. Pres' as in the
Morning.

The House adjourns till to Morrow Morning Seven O'Clock

Saturday Morning 7th May 1715

The House met again according to Adjournment. Present
as on Yesterday

Then was read the Proceedings of this House on Yesterday.

Col^o William Whittington from the Hon^{ble} Council delivers
M^r Speaker the Bill making valid and effectual in Law a Deed
Poll made by Col^o James Smallwood late of Charles County
deceased to his Son Ledstone Smallwood and his Grandson
Jn^o Smallwood of a Tract of Land lying in the said County
near Port Tobacco, and vesting in them an Estate in fee Tail
General in the said Tract according to the true Intent and
Meaning of the said Deed thus indorsed Viz.

By the Council in Assembly
May the 6th 1715

Read the second Time according to the Order of Yesterday
and it being suggested to this Board that there are Heirs of
Col^o Smallwood who have not had due Notice of this Bill
being brought in to be past this Session, Resolved That the
Passing thereof be referred till due Notice be given them.

Signed p Order W. Bladen Cl. Council.

The same is referred accordingly by the House.

p. 511

A Bill for reconciling Differences in Relation to the Bounds
of Land within this Province and for settling the Bounds

L. H. J. thereof was read the second Time and committed for Amendment to the Committee of Laws.

A Bill for Amerciaments in the Provincial and County Courts was read and ordered the same be referred to the Committee of Laws for their further Consideration, who are to put it into any Act where the same may properly be inserted.

A Bill to supply certain Defects in the conveying of Lands from Matthew Beard to Stephen Wright and from Stephen Wright to Samuel Chambers of Ann Arundel County Gent. was read the first and second Time by especial Order and Ordered to be thus indorsed Viz.

By the House of Delegates
May the 7th 1715

Read the first and second Time by especial Order and will pass.

Signed p Order Tho^s Macnemara Cl. Ho. Del.

The same is sent up to the Ho^{nl}ble Council by Capt. Mariarte & M^r Joseph Hill

They return and say they delivered the same.

The Petition of Ezekiel Parr, Prisoner in Cecil County Goal for Debt and the Petition of Peter Sewal Prisoner in Calvert County Goal for Debt being read and the Question being put whether Leave shall be given to bring in a Bill as prayed, Resolved That Leave be given to bring in a Bill for their Relief and Discharge from their Debts and Imprisonments as in the Petitions prayed and the Committee of Laws is to prepare the same.

Col^o Ward from the Conference appointed on Yesterday delivers M^r Speaker the following Report Viz.

At a Conference between the Members appointed by the Ho^{nl}ble his Majesty's Council and the Members of the House of Delegates appointed by their House held at his Excellency's House in the City of Annapolis the 6th Day of May in the first Year of the Reign of our Sovereign Lord King George of Great Britain &c^a Annoq Dom. 1715 to consider how to advance the Staple of this Province by having all Tobaccoes pack'd and strip'd more early in the year. Present of his Majesty's Ho^{nl}ble Council, The Ho^{nl}ble Col^o William Coursey, Col^o Samuel Young, Col^o Thomas Addison, L^t Col^o Tilghman.

Of the House of Delegates Col^o Matthew Tilghman Ward, Capt. Thomas Trueman Greenfield, Capt. St. Ledger Codd, M^r Joseph Hill, Col^o John Mackall, M^r Joseph Harrison, M^r

Samuel Hopkins, Major Roger Woolford, Major James L. H. J. Phillips, M^r Robert Tyler, Major John Ward, M^r Charles Wright and M^r Amos Garrett, who proceed to choose a Chairman, and unanimously elect the Hon^{ble} Col^o W^m Coursey to be Chairman of this Conference and William Bladen Clerk thereof

Then was read the following Proposals from his Excellency the Governor offered to the Consideration of the Assembly,

Whether it may not be proper to find some Expedient for the shipping packing and paying away Tobacco earlier in the Year than has been of late usual for that the same would prove very advantageous to the Country in General is conceived to be beyond Dispute because that the longer Tobacco hangs the more it loses in its Scent, Freshness, Substance, Weight and Goodness in every Respect and consequently is of less Value when it comes to Market being so wasted that there remains only the Shape and nothing of the Substance of Tobacco it will be an effectual Method to quicken Trade; for thereby all Purchasers as well as those that come upon Freight may with far less Expence be dispatched and Consequently the one may afford to give the better Pennyworth, and the other to go at a cheaper Freight.

And it being evident that the want of getting Cask Timber timely seasoned and fit to be set up & the Delay used by Coopers proceeding in a great Measure from the Uncertainty of their Pay is the chief Cause to the Backwardness in getting the Tobacco ready for shipping—

Whether a Law appointing a certain Time in the Year for getting such Cask Timber ready and for Coopers to set the same up would not prove very beneficial and for the Cooper's Encouragement to have his Pay upon Execution. Such a Law would certainly prove highly beneficial not only for the Dispatch in Trade but likewise in saving of the Sloops, Flats and Craft of the Country from being destroyed by the Worm; for in getting the Tobacco timely ready such Craft need not be running after the Worm bites nor the Ships forced to stay too late and be also damnified. It would be a Means to have all Tobacco come regularly and much nearer the same Time to Market and thereby all Traders be at a Certainty how to govern themselves; but if the Trade continues to have Ships drop in all the Year round the Tobacco Buyers will purchase p. 513 no more at a Time than just from Hand to Mouth :

Whereas on the contrary if all the Year's Crop went to Market much at a Time the Buyers would according to the Exigencies of their Trade purchase their whole Year's Stock

L. H. J. at once and thereby in all probability the Price of that Commodity would always be kept up.

May the 6th 1715

Jo. Hart

And Resolved by Majority of Votes that it would be of great Advantage all Tobacco should be got ready to be shipped earlier than usually it has been of late Years but that it would be prejudicial to the good People of the Province that any prefixed Time should be limited for the Shipping of Tobacco.

After which it was considered whether the Planters should not be obliged to have their Cask Timber hewn by a certain Time in every Year.

And whether it may not be fit to oblige the Coopers to set up all Casks yearly by a prefixed Time

And agreed to by the Majority of the Committee That it may be very advantageous to the Province in General that the Planters have their Timber hewn by a certain Time and that the Coopers set up their Casks by a prefixed Time in every Year.

Then the Conferees proceed in the Consideration of that Part of the Proposal relating to encouraging the Coopers by giving them Execution for their Pay, and it was carried by Majority of voices that the said Coopers pay be upon Execution at the Rate of Eighty Pounds of Tobacco or six Shillings and Eight Pence for every Tonn of Cask at the Election of the Employer.

Signed p Order W Bladen Cl. Conl.

On reading which the following Indorsement was ordered to be made thereon.

By the House of Delegates

May the 7th 1715

This Report being read the House concurs with the same so far as it relates to hewing Timber for Tobacco Hhds and setting up the Hhds by a certain Time ; but as to that Part of the said Report that relates to have Coopers Wages upon Execution this House Resolves the same to be no ways conducing to the publick Good and therefore cannot agree with the Proposal

Signed p Order Tho. Macnemara Cl. Ho. Del.

Col^o Matthew Tilghman Ward from the Conference about revising the Laws delivers M^r Speaker the following Report Viz.

At a Conference between the Members appointed by the L. H. J. Honb^{le} his Majesty's Council and the Members of the House ^{P. 514} of Delegates appointed by their House held at his Excy the Governor's House in the City of Annapolis the sixth Day of May in the first Year of the Reign of our Sovereign Lord King George of Great Britain &c^a Annoq Dom. 1715 to consider of two of the Royal Instructions communicated by his Excellency to the Delegates where were present of his Majesty's Honble Council the Honble Col^o William Coursey, L^t Col^o Samuel Young, Col^o Thomas Addison, L^t Col^o Richard Tilghman.

Of the House of Delegates Col^o Matthew Tilghman Ward, Cap^t Thomas Trueman Greenfield, Capt S^t Ledger Codd, M^r Joseph Hill, Col^o John Mackall, M^r Joseph Harrison, M^r Sam^l Hopkins, Major Roger Woolford, Major James Philips, M^r Robert Tyler, Major John Ward, M^r Charles Wright and M^r Amos Garrett. Who proceed to the Choice of a Chairman. Who unanimously elect the Honble Col^o William Coursey, Chairman of this Conference and William Bladen Clerk thereof.

Then was read the two following Royal Instructions Viz.

You are to transmit authentick Copies of all Laws Statutes and Ordinances that are now made and in force which have not yet been sent or which at any Time hereafter shall be made or enacted within our said Province; each of them separately under the publick Seal unto us and our Commissioners for Trade and Plantations within three Months or by the first Opportunity after their being Enacted together with Duplicates thereof by the next Conveyance upon Pain of our highest Displeasure and Forfeiture of that Years Salary.

And that it may be the better understood what Acts and Laws are in force in our said Province of Maryland you are with the Assistance of our Council there to take Care that all Laws now in force be revised and considered and if there be any thing either in the Matter or Stile of them which may be retrenched or altered you are to represent the same unto us with your Opinion touching the said Laws now in force whereof you are to send a compleat Body unto us and to our Commissioners for Trade and Plantations with such Alterations as you shall think requisite to the End our Approbation or Disallowance may be signified thereupon. And as to the Instruction relating to the revising the Laws of this Province and sending a compleat Body for his Majesty's Approbation or Disallowance the Conferees are of Opinion that all such Laws of this Province that want Amendment be reenacted this Sessions and sent to his Majesty and the Lords Commissioners

L. H. J. for Trade and Plantations under Separate Seals; & That as
 P. 515 to all other Laws of this Province that seem to be good and
 effectual and want no Amendment it will be fit they be
 transcribed in Parchment and sent under separate Seals with
 the other that a compleat Body of all our Laws may be col-
 lected together and sent Home for his Majesty's Approbation
 or Disallowance.

Signed p Order W Bladen Cl. of the Conference

On reading which the following Indorsement is ordered to
 be made thereon Viz.

By the House of Delegates
 May the 7th 1715

This Report being read and debated for that it appears to
 this House that the several Laws of this Province now in force
 are scattered and dispersed in Several Books and Editions
 containing Laws that are repealed it is therefore Resolved
 That the said Report be agreed to and his Excys and the
 Hoñble Council's Concurrence is required, and that for the
 accomplishing the same some Members of the Hoñble Council
 may be appointed to join our Committee of Laws.

Signed p Order Tho. Macnemara Cl. Ho. Del.

The foregoing two Reports and Indorsements are sent up
 to the Hoñble Council by Col^o Ward, Col^o Mackall, M^r Tyler,
 Major Woolford, M^r Hill and M^r Harrison.

They return and say they delivered the said Reports.

John Hall Esq^r from the Hoñble Council delivers M^r Speaker
 the Bill to supply certain Defects in the conveying of Lands
 from Matthew Beard to Stephen Wright and from Stephen
 Wright to Samuel Chambers of Ann Arundel County Gent.
 thus indorsed Viz.

By the Council in Assembly
 May the 7th 1715

Read the first and second Time by especial Order and will
 pass.

Signed p Order W Bladen Cl. Council.

Eodem Die.

Read the third Time in the House of Delegates and past
 for ingrossing.

The House adjourns till One o'Clock in the Afternoon.

Saturday Afternoon

L. H. J.

The House met according to Adjournment. Present as in the Morning.

Col^o William Holland and L^t Col^o Young from the Hon^{ble} Council deliver M^r Speaker the following Message Viz.

**By the Council in Assembly
May the 7th 1715**

The Report of the Conferees about Tob^o and Hhds. together with your Indorsement thereon have been read at this Board and we do agree thereto. Likewise the Report of the Conferees about revising the Laws has been read, together p. 516 with your Concurrence thereto indorsed, to which we do also concur and have appointed the Hon^{ble} Col^o William Holland and L^t Col^o Samuel Young to join your Committee of Laws on revising them.

Signed p Order. W. Bladen Cl. Council.

The Petition of the Generality of the Freeholders in Cecil County praying Leave to remove their Court House being read, it is Resolved that it is reasonable the said Court House be removed; and thereupon Ordered That the Sheriff of Cecil County give due notice by affixing notes in all publick Places in the said County as in Elections of Burgesses and Delegates is usual to all the Freeholders and free Voters of Cecil County to appear at Bohemia Manor-House on the third Tuesday of June next there by Majority of Votes to appoint a fit Place to build a new Court House on, in which Election the Sheriff is to govern himself as to allowing Votes and taking the Poll as the Law requires him to do in Case of Election of Delegates and Burgesses, and is to make a Report thereon to this House next Sessions that a Bill may be brought in to confirm the Place pitched upon by Majority of Votes.

An ingrossed Bill for making good and valid a certain Indenture or Deed of Bargain and Sale from William Lunn late of Ann Arundel County deceased to Thomas Larkin Gent. being read and assented to by the House of Delegates is ordered to be thus indorsed Viz.

May the 7th 1715

Read and assented to by the House of Delegates and

Signed p Order. Tho^o Macnemara Cl. Ho. Del.

An ingrossed Bill repealing an Act Entituled an Act for uniting New Port Hundred now Part of King and Queen's

- L. H. J. Parish to William and Mary's Parish in Charles County, and for reuniting the same to King and Queen's Parish in S^t Mary's County being read and assented to by the House of Delegates is ordered to be thus indorsed Viz.

May the 7th 1715

Read and assented to by the House of Delegates and
Signed p Order Tho^s Macnemara Cl. Ho. Del.

The foregoing two Bills are sent up to the Hoⁿble Council by M^r Hill and Capt. Greenfield. They return and say they delivered the Bills.

Cap^t Richard Colegate has the Leave of this House to go Home and be absent till Tuesday next.

An ingrossed Bill to supply certain Defects in the conveying of Lands from Matthew Beard to Stephen Wright and from Stephen Wright to Saml. Chambers of Ann Arundel County Gent. being read and assented to by the House of Delegates is ordered to be thus indorsed Viz.

May the 7th 1715

- P. 517 Read and assented to by the House of Delegates and
Signed p Order Tho. Macnemara Cl Ho. Del.

The said Bill was sent up to the Hoⁿble Council by M^r Bordley and M^r Warfield.

The House adjourns till Monday Morning Eight O'Clock.

Monday Morning 9th May 1715

The House met according to Adjournment. Present as on Saturday.

Then was read the Proceedings of this House on Saturday.

The Petition of John Olley, Richard Moore and Edith his wife and William Tippin and Ann his wife all of Queen Ann's County on Behalf of Thomas and John Davis being read this Day in the House, praying Leave to bring in a Bill for vesting in them an Estate in fee in a Tract of Land called Confusion, It is ordered that Notice be given to Renatus Smith Guardian of Anthony Irvy's Heir to be and appear before this House in Eight Days to be computed from the first Day of next Sessions then to shew Sufficient Cause why the Petitioners Prayer should not be granted, and in Case of his Failure therein, Leave is given the Petitioners to bring in then a Bill as prayed.

Ordered That no Petitions be received this Sessions after L. H. J. Thursday next

The following Message being prepared is ordered to be entered Viz.

By the House of Delegates
May the ninth 1715

May it please your Excellency,

We find in the Journal of October Assembly 1714 the following.

May it please your Excellency,

" Your Excellency on the humble Address of this House of
" the 2^d of July 1714, praying Directions to be given her
" Majesty's Receivers to lay their Account (of the 3^d p Hhd,
" applyed by her Majesty for purchasing Arms and Ammuni-
" tion, for the Defence of this Province) before this House this
" Sessions, was pleased to return in Answer thereto That
" Directions were given the said Receivers accordingly, but
" the same not being as yet done, We pray your Excy's further
" Directions about the same, and that an Account of the Fines
" and Forfeitures received by the said Receivers be likewise
" laid before this House this Sessions "

Signed p Order Tho. Macnemara Cl. Ho. Del.

But that Sessions of Assembly not proceeding on any Business nothing was done therein therefore we beg Leave to remind your Excy thereof that the said Accounts be laid before us this Sessions

Signed p Order Tho. Macnemara Cl. Ho. Del.

Sent up to his Excy the Governor by M^r Hamilton, M^r Hill, p. 518
Capt. Codd, Major Phillips, M^r Dashield and M^r Solomon Clayton.

They return and say they delivered the Message.

Col^o William Coursey and John Hall Esq^r from the Honble Council deliver M^r Speaker the following Message Viz.

By his Excy the Governor and Council in Assembly
May the 9th 1715

In Answer to your Message by M^r Hambleton and others his Excy is pleased to acquaint you that M^r John Rousby his Majesty's Receiver of the District of Patux^t has given him his Account of the 3^d p Hhd appropriated for purchasing Arms which shall be laid before your House in the Afternoon, and

L. H. J. on Saturday last his Excy gave Orders for M^r John Dansey the Receiver of his Majesty's District of Potowmack to appear before the Council with his Accounts of the said Revenue Fines & Forfeitures in Order to be laid before the Assembly.

Signed p Order W Bladen Cl. Council

Col^o William Whittington from the Hon^{ble} Council acquaints M^r Speaker that the three several ingrossed Bills following Viz.

An ingrossed Bill repealing an Act of Assembly Entituled an Act for uniting New Port Hundred now Part of King and Queen's Parish to William and Mary's Parish in Charles County and for reuniting the same to King and Queen's Parish in Saint Mary's County.

An ingrossed Bill to supply certain Defects in the conveying of Land from Matthew Beard to Stephen Wright and from Stephen Wright to Sam^l Chambers of Ann Arundel County Gent.

An ingrossed Bill for making good and valid a certain Indenture or Deed of Bargain and Sale from William Lunn late of Ann Arundel County deceased to Thomas Larkin Gent. were on the ninth Day of this Instant May Read & assented to by his Majesty's Hon^{ble} Council

By the House of Delegates
May the 9th 1615

Ordered That M^r Richard Young the Serjeant attendant on this House summon and give Notice to M^r Philemon Hemsley and Mary his Wife that they be and appear immediately before the Bar of this House to answer a Comp^t exhibited against the said Mary about embezzling the Magazine of this Province.

Signed p Order Tho. Macnemara Cl. Ho. Del.

p. 519 M^r Hemsley and his Wife pursuant to the said Summons directed to them appeared before the Bar of this House and being demanded by M^r Speaker what Account they could give of the Magazine and Arms delivered to Col^o Contee in his Life time out of the Publick Store in Annapolis as appeared by a Copy of his Receipt read to them by M^r Speaker Time is given them to produce their Accounts till the Afternoon, at which Time they are ordered to attend.

The House adjourns till One O'Clock in the Afternoon

Monday Afternoon

L. H. J.

The House met according to Adjournment. Present as in the Morning.

The following Letter of Notice being read with the Oaths thereon indorsed it is Ordered to be entered as follows Viz.

October the 20th Day 1714

To M^r Thomas Parramore

These come to warn you Thomas Parramore to appear before our House of Assembly in Maryland at the City of Annapolis to be held the 4th Day of 9th next there to give your Reasons if any there be why an Act may not pass for Confirmation of the Will of John Paramore late of Somerset County in favour of the three Coheirs of Arnold Parramore concerning a Tract of Land called Weytuxion lying in Somerset County which is the Desire in Behalf of the Heirs

Jn^o Cadwell Jun^r

April the 2^d 1715.

Then came John Davis before me and made Oath that last October he being employed by John Cadwell Jun^r went to the House of Thomas Parramore and told him he was sent with this Letter over to him from John Cadwell and let him see it and laid it on his Table and the said Parramore would not receive this Letter and desired me to carry it to him again and that it should not be left in his House and that Thomas Wilson who lives within a little Way of the said Parramore told me that John Cadwell had formerly sent Thomas Parramore a Letter to the same Purpose of this and that it was in said Wilson's House and Parramore would not let it be read to him

Jurat coram me

Jn^o Bozman Jus^r Co^r

Thereupon the following Indorsement is ordered to be made on the Bill for supplying a Defect in John Parramore's Will Viz.

By the House of Delegates

9th of May 1715

May it please your Excy and Honours—

The Notice that appeared to this House to be given to Thomas Parramore is herewith sent and the Parties praying Remedy alledge they can prove Notice to the Tenants in Possession if they may be admitted so to do before your Hon^{ble} Board. p. 520

Signed p Order Tho. Macnemara Cl. Ho. Del.

L. H. J. The Same is sent up to the Hoñble Council by Capt Charles Ballard and M^r John Purnell.

They return and say they delivered the same

Col^o Thomas Greenfield, John Hall Esq^r and Col^o William Whittington from the Hoñble Council deliver M^r Speaker the following Message Viz.

By his Excy the Governor and Council in Assembly
May the 9th 1715.

Gent.

We cannot omit remarking to your House that this Sessions of Assembly has now set near fifteen Days in which Time very little of the publick Business is compleated therefore we must desire you will not take it in ill part we put you in Mind of that Clause of his Excy's Speech at the Opening of this Session intimating the great Burthen the Province sustains by frequent and long Sessions of Assembly

Signed p Order W Bladen Cl. Council.

Col^o William Whittington from the Hoñble Council delivers M^r Speaker the Bill for supplying a Defect in John Parramore's Will with the following Indorsement Viz.

By the Council in Assembly
May the 9th 1715

Upon reading the Affidavit to the Bill annexed it does not appear to this Board that Judicial Notice was given the Possessor of the Land and the Hoñble Col^o Whittington is desired to lay an original Letter directed to him from Thomas Parramore before the Delegates.

Signed p Order W Bladen Cl. Council.

The said Letter is as follows.

February the 21st 1714-15

Col^o Whittington,
Sir,

After my humble Service to You this comes to desire you to send Word by my Coz. Diamond how my Cause stands about my Land for I am informed unless somebody appears for me that Judgment will pass ag^t me next Court therefore I beg you to mind that Point also. I desire you to send me

word what Monies you are out about it and I will take Care L. H. J.
to reimburse you your Money again.

I am with due Respect Your Hble Serv^t to Power.

Tho^r Parramore

I would have sent Money but it is a Thing a Body cannot p. 5th
trust every Body with

To Col^o William Whittington, These.

Thereupon the same is referred till next Sessions of Assembly, and it is Ordered That Notice be given to Thomas Parramore of the said Bill and what is thereby intended and that he be and appear at the next Sessions of Assembly to be held for this Province to shew sufficient Cause (if any he hath) or can say why that Bill should not pass. And it is ordered the Deliver^g the said Notice to two or more of the Tenants in Possession of the Land in Question called Weytuxion under Thomas Parramore and to him directed be and shall be deemed and held a sufficient Notice and M^r Samuel Hopkins and M^r John Purnell undertake to give Thomas Parramore the said Notice

M^r Amos Garrett, Capt. James Harris and M^r Joseph Harrison are appointed a Special Committee to examine the Complaint against M^o Hemsley about embezzling the Arms and Magazine of this Province and are to make their Report thereon to the House by ten of the Clock to Morrow Morning

The House adjourns till to Morrow Morning Eight O'clock.

Tuesday Morning 10th of May 1715

The House met according to Adjournment. Present as on Yesterday

Then was read the Proceedings of this House on Yesterday

The Petition of William Jones Son and Heir of Thomas Jones late of Somerset County being read this Day in the House is referred to the Consideration of next Sessions at which Time M^o Ann Catherwood having Notice is to appear to shew sufficient Cause why the Bill should not pass and in Case of her Failure Leave will be given to bring in a Bill as prayed.

M^r Amos Garrett from the special Committee appointed to examine the Complaint against M^o Hemsley about embezzling the Arms & Magazine of this Province delivers M^r Speaker the following Report—

L. H. J. An Account of the said Arms and Ammunition Viz.

M^r Philemon Hemsley. D^r 1706 25th May To Sundries as
p Col^o Contee's Receipt. To 24 Musquets 2 Drums 10 Cut-
lasses with Belts 4 Pair of Pistols one Barrel of Musquet Shot
p. 522 1 Barrel of small Shot five Barrels and half Powder

Cr. 22 Musquets, 9 Cutlasses with Belts 1 Pair Pistols June
1710 By W^m Foster for Col^o Ja^s Smallwood Rect 18 Carra-
bines that were formerly delivered Col^o Courts By 2 General
Musters and Sundry Trainings in the County from the Year
1706 to 1708 five half Barrels Powder 1 Barrel of small Shot
By Balance remaining due to b. ad. one Barrel of Musquet
Shot 3 p Pistols 1 Cutlass with Belt 2 Drums 2 Musquets.

Annapolis in Maryland 10th May 1715.

By the Committee appointed by the General Assembly for
drawing up the Account of M^r Philemon Hemsley and have
duly considered the same Report the same stated as above-
said

Amos Garrett
James Harris
Joseph Harrison

Which Report being read in the House was referred till the
Afternoon

The House adjourns till One O'Clock in the Afternoon

Tuesday Afternoon

The House met again according to Adjournment. Present
as in the Morning.

The House took into Consideration the Complaint against
Philemon Hemsley and Mary his Wife about embezzling the
Arms and Ammunition thereupon and having admitted M^r
Hemsley before the Bar to offer what he could in Excuse of
himself and wife it is the Opinion of the House they are
accountable for 1 Bar^l of Powder containing 100^{lb} w^t besides
what is contained in the said Report.

Ordered That the following Message be prepared and
entered Viz.

By the House of Delegates
May the 10th 1715

May it please your Excy and Honours

This House taking Notice of a Complaint of some of the
Militia Officers of Charles County referred to the House of
Delegates by the Hoⁿble Council on the 6th of May 1712

against Philemon Hemsley and Mary his Wife lately called L. H. J. Mary Contee about embezzling some of the Arms and Ammunition of this Province delivered out of the publick Stock at Annapolis in the Year 1706 to Col^o John Contee deceased thought fit to call the said Philemon and Mary before the Bar of this House to answer the same. On Examination of whom it fully appears that the said Philemon and Mary his Wife as She is Exx of the said Col. John Contee are still accountable to the Public for 1 Barrel of Gunpowder cont. 100th W^t one p. 523 Barrel Musquet Shot, three p Pistols one Cutlass with Belt two Drums and two Musquets they having produced no Receipt of the Delivery of the same by Col^o Contee in his life time or themselves since to any Person qualified to discharge them. Therefore we pray your Excy and Honours will order such effectual Care may be taken that the said Philemon and Mary his Wife may be obliged to make Satisfaction for the said Deficiency that Embezzlements of the Magazine may be discouraged for the future.

Signed p order Tho^o Macnemara Cl. Ho. Del.

The same is sent up to the Hon^{ble} Council by M^r Joseph Harrison and M^r Thomas Stone.

They return and say they delivered the Message.

Ordered the said Philemon Hemsley and Mary his Wife pay unto Thomas Macnemara Clerk of this House for all the Care and Trouble he has taken about the said Complaint the Sum of five Hundred Pounds of Tobacco; and to the Serjeant attendant of this House the Sum of one Hundred Pounds Tobacco; To the Doorkeeper of this House the Sum of fifty Pounds Tobacco.

The House adjourns till to Morrow Morning Eight O'Clock

Wednesday Morning 11th May 1715

The House met according to Adjournment. Present as on Yesterday.

Then was read the Proceedings of this House on Yesterday

The Petition of John Smith Heir at Law and Grandson of Henry Smith late of Somerset County deceased as well on the Behalf of himself as on the Behalf of John Evans of Accomack and Thomas Summers Assignee of Thomas Davis who was the Devisee of John Bassell being read this Day in the House is referred to the Consideration of next Sessions of Assembly Notice to be given by the Petitioner to all the Parties concerned to appear then by delivering a Copy of the Petition and Order to the Parties concerned.

- L. H. J. M^r Thomas Robins from the Committee of Laws delivers M^r Speaker the Bill for repealing a Clause in an Act of Assembly Entituled an Act for Establishment of Religious Worship in this Province &th and also for appointing the Oaths of Abjuration to be taken in this Province
- p. 524 Which was read the first and second Time by especial Order and ordered to be thus indorsed Viz.

By the House of Delegates
May the 11th 1715.

Read the first and second Time by especial Order and will pass

Signed p Order Tho^s Macnemara Cl. Ho. Del.

This Bill is sent up to the Hon^{ble} Council by M^r Rousby & Major Woolford

They return and say they delivered the said Bill.

Col^o John Mackall from the Committee of Laws delivers M^r Speaker the following Report Viz.

By the Committee of Laws
May the 10th 1715

Whereas the Act for regulating Ordinarys is expired it is humbly proposed to the Consideration of the House whether it be not convenient to provide some Law in Relation thereto.

Signed p Order Joh. Beard Cl. Com.

Which Report being read, it is Ordered the Committee of Laws prepare and bring in with all convenient Speed a Bill for regulating Ordinaries.

The House adjourns till One O'Clock in the Afternoon

Wednesday Afternoon

The House met according to Adjournment. Present as in the Morning.

Col^o Thomas Greenfield from his Excy the Governor delivers M^r Speaker a Copy of Part of her late Majesty's Instructions to his Excellency the Governor

Article the 26th And whereas by an Act passed in the Assembly in Maryland the 30th of April 1679 an Impost is by the said Act appropriated for the use and Support of this Government, our Will and Pleasure is that towards your Maintenance in the Government of the said Province you take

to your own Use three fourth Parts of the Moiety of the Impost of two Shillings p Hhd on Tobacco appropriated as aforementioned by the said Act And you are to take especial Care that according to the Intention of the said Act the remaining fourth Part of the Moiety of the said Impost be duly applied towards maintaining a constant Magazine with Arms and Ammunition for the Defence of our said Province.

Article 27. And you are to recommend to the next General Assembly the raising of such other Supplies from Time to Time as may be sufficient for defraying the other necessary Charges of that Government

The House adjourns till to Morrow Morning Eight O'Clock

Thursday Morning 12th May 1715

The House met according to Adjournment. Present as on Yesterday

Then was read the Proceedings of this House on Yesterday

The Petition of Thomas Hynson Wright as Guardian to John Coursey to confirm Lands &^a being read this Day in the House the Consideration thereof is referred till next Sessions and Parties against whom Remedy is prayed Viz. the Heirs of Henry Coursey, Decēd are to have Notice by delivering a Copy of the Pet^a and the Indorsement thereon made.

Col^o John Mackall from the Committee of Laws delivers M^r Speaker the Bill for Relief of Peter Sewall a languishing Prisoner in Calvert County which was read the first and second Time by especial Order and ordered to be thus indorsed Viz.

By the House of Delegates
May the 12th 1715

Read the first and second Time by especial Order and will pass.

Signed p Order Tho. Macnemara Cl. Ho. Del.

M^r Thomas Bordley from the Committee of Laws delivers M^r Speaker the following Report Viz.

By the Committee of Laws
May the 12th 1715

It is humbly proposed that the Act directing the Manner of electing & summoning Delegates be reenacted with the following Amendments Viz.

That the Votes of p^{so}ns having a visible Estate in any

L. H. J. County shall not by Virtue thereof only be received or allowed of by the Sheriffs unless such Voter be a Resident or Inhabitant in such County where he tenders such Vote or unless he have a Freehold therein.

2 That the Number of Delegates to serve for each County be reduced to two for the better Dispatch of Business and lessening the publick Charge; and only one Member for the City of Annapolis and that the Allowance for each Day's Attendance to every Councillor be one hundred and ten Pounds of Tobacco; to every Delegate one hundred Pounds of Tobacco; to every Provincial Justice one hundred Pounds of Tobacco and nothing be allowed for Boats or Ferriages the
p. 526 Itinerant Charges being as this Committee humbly offers originally designed to satisfy all Charges of Itineracy.

Signed p Order John Beard Clk Com.

The House adjourns till One O'Clock in the Afternoon.

Thursday Afternoon

The House met according to Adjournment. Present as in the Morning

The House took into Consideration the Report of the Committee of Laws brought down to the House by M^r Thomas Bordley in the Morning and concur with the first Paragraph thereof Nemine contradicente. And as to that Part of the Report that relates to reducing the Delegates in each County from four to two; the Question is put and is Resolved by Majority of Votes that the Number be reduced to two from the first Election that shall happen hereafter to serve as Delegates for the County and one for the City of Annapolis. And as to that Part of the said Report that mentions reducing the Allowance for each Days Attendance in Assembly Times to every Councillor from what it is at present to a hundred and ten Pounds Tobacco and no more; to every Delegate a hundred Pounds and no more and to every Provincial Justice a hundred Pounds of Tobacco and no more and no Charges to be allowed for Boats or Ferriages—

Resolved the House concurs therewith and thereupon it is Ordered that the Committee of Laws prepare and bring in a Bill accordingly.

The Petition of Thomas Reynolds high Sheriff of Ann Arundel County being read this Day in the House praying a further Allowance to be added to his Salary of a thousand five hundred Pounds Tob^o for conveying publick Letters and Packets is rejected.

M^r Thomas Robins from the Committee of Laws delivers L. H. J. M^r Speaker a Bill prohibiting the Exportation of Bread, Beer, Flour &th Horses, Mares &th from Pensylvania. Which was read the first and second Time by especial Order and ordered to be thus indorsed Viz.

By the House of Delegates
May the 12th 1715

Read the first and second Time by especial Order and will pass.

Signed p Order Tho: Macnemara Cl. Ho. Del.

Sent up to the Hon^{ble} Council by Cap^t Mariarte and Capt. Trippe

They return and say they delivered the Bill.

A Bill for Relief of Peter Sewall a languishing Prisoner in Calvert County is sent up to the Hon^{ble} Council by Major Wilson and M^r Holdsworth

They return and say they delivered the same

Col^o Ennalls and Col^o Whittington from the Hon^{ble} Council deliver M^r Speaker the Bill for repealing a Clause in an Act for Establishment of Religious Worship and appointing the p. 527 Oaths of Abjuration to be taken in this Province thus indorsed Viz.

By the Council in Assembly
May the 12th 1715

Read the first and second Time by especial Order and will pass.

Signed p Order W. Bladen Cl. Council.

Eodem Die.

Read the third Time in the House of Delegates & past for ingrossing

M^r Thomas Bordley from the Committee of Laws delivers M^r Speaker a Bill for Limitations of certain Actions for avoiding Suits at Law. Which was read the first and second Time by especial Order and ordered a third Reading to Morrow Morning.

Philemon Lloyd Esq^r from the Hon^{ble} Council delivers M^r Speaker the Bill for prohibiting of Bread, Beer &th Horses and Mares from Pensylvania thus indorsed:

L. H. J. By the Hon^{ble} his Majesty's Council in Assembly
May the 12th 1715.

This Bill being read at the Board it is offered that the Words in the fourth Line of the second Folio Viz. (in the Day) be omitted, and that the Liberty of seizing such prohibited Goods be at any Time; otherwise the Intent of the Law may be avoided by Importation in the Night. With which Amendment the said Bill will pass this Board.

Signed p Order W Bladen Cl. Council.

Read the third Time (Eodem Die) in the House of Delegates with the Amendments and past for ingrossing.

The House adjourns till to Morrow Morning Eight O'Clock.

Friday Morning 13th May 1715

The House met according to Adjournment. Present as on Yesterday.

Then was read the Proceedings of this House on Yerderday.

A Bill, for Limitation of certain Actions for avoiding Suits at Law was read the third Time, pursuant to the Order of Yesterday and will pass

Signed p Order Tho^s Macnemara Cl. Ho. Del.

The said Bill is sent up to the Hon^{ble} Council by Capt. Dent & M^r Purnell.

They return and say they delivered the same.

Col^o Lloyd, Col^o Holland, Col^o Ennalls, Col^o Addison, Col^o Young, Col^o Greenfield Col^o Whittington, John Hall and Richard Tilghman Esq^r from the Hon^{ble} Council deliver M^r Speaker the following Address with the Indorsement thereon made Viz.

p. 528 To his Excellency the Governor, the Hon^{ble} his Majesty's Council, and the Hon^{ble} House of Delegates.

We the Rector Governors and Visitors of Free-Schools met together to consult the Ends for which we are incorporated and taking into Consideration the great Disadvantage the want of Learning and Education is to the Youth of this Province and that the same may be remedied by settling Free-Schools in every County thereof. We are heartily concerned that we are obliged to represent unto this Hon^{ble} Assembly that our Funds will only enable us to maintain one School in this Town and that they are very insufficient to answer the

pious Design that we are engaged in and therefore we make L. H. J.
humble Application that this laudable Work may be taken
into Consideration and such Means used as the Honble As-
sembly shall think proper to enlarge the Funds for the Pro-
motion of Education and Learning. And whereas we meet
with great Difficulty from the great Distance that the several
Members of our Corporation live from one another and that
it is almost impracticable for us to meet and consult so oft as
the Nature of our Affairs would require we humbly submit to
the Honble Assembly whether it may not be necessary by a
new Law to enable any five or more of us to transact our
Affairs without lying under a Necessity of having a Majority
of the Members present. Further we represent to the Honble
Assembly that we find in one of the Journals of the House of
Delegates 6th July 1696 recited that M^r Anthony Workman
came before the House and gave a hundred and fifty Pounds
Sterling to the building of a House upon a Lot which his
Excellency had already given together with ten Pounds
Sterling towards building the said House which is to be
enjoyed by the said Anthony Workman during his natural
Life and remain over to the Use of Free Schools. Also the
said M^r Workman promised to leave all the Improvements
upon the said Lot in good and Sufficient Repair. And in the
Journal of the House of Delegates held in May 1696 folio 38
& 39 the said Workman enters this House and Says there is
fifty Pounds in his Hands for finishing the House and prays
he may keep Ordinary therein License free which was granted.
Likewise in an Act of Assembly for keeping good Rules and
Orders in the Port of Annapolis made in July 1696 it is thus
contained. And be it further Enacted by the Authority afore-
said that all those Deeds Obligations Writings and Evidences p. 529
made by and between his Excellency Francis Nicholson Esq^r
Captain General and Governor in Chief of this Province of
the one Part and Anthony Workman of Kent Island in the
County of Talbot of the other and William Freeman Brick-
layer of Philadelphia in Pennsylvania of the other Part con-
cerning a Lot of Land in the said Town and building an
House thereon to the Use of the said Anthony Workman
during his natural Life and after his Decease to the Use of
the Free School of this Town forever bearing Date the 8th Day
of June Anno Dom. 1696 and ordered to be recorded in the
Journal of the Governor and Council and the House of
Burgesses of this General Assembly be of absolute and full
Force and available in Law to the uses therein expressed
according to the true Intent and Meaning thereof any Defect
in Form or Want of Form in the same notwithstanding.
But forasmuch as the said Deeds Obligations and Writings

L. H. J. upon the strictest Search are not found to be recorded in either of the said Journals or that the Originals thereof can be any Ways discovered altho' the said Anthony Workman by himself and his Assigns hold the said House so built as aforesaid freed of the Fine for License to keep Ordinary during the Term of his natural Life yet his Heirs or Executors have refused to surrender the same to the Use of the Free Schools, and suffered the said Improvements to go to Decay and be almost ruined, And we the said Rector Governors and Visitors of Free Schools conceiving we have an undoubted equitable Right thereto humbly desire a Bill may be brought in this Session to vest and confirm the aforesaid House and Lot in us and our Successors for the Uses aforesaid and to oblige the Heirs and Executors of the said Anthony Workman to make good his Promise of leaving the said Improvements in good Repair and also to pay and Satisfy unto us for the use of the said Free School all such Rent as has been by them received since his Death or usually reserved thereon by Reason of their unjust Refusal to Surrender the same

Signed p Order of the Rector Governors and
Visitors of Free Schools p Edmund Benson Reg^r

By his Excellency the Governor and Council in Assembly
May the 13th 1715

The within Address being read at this Board is well approved of and heartily recommended to the Consideration of the House of Delegates

Signed p Order W Bladen Cl. Council

p. 530 The further Consideration thereof is referred till to Morrow Morning.

The House adjourns till One O'Clock in the Afternoon

Friday Afternoon

The House met according to Adjournment. Present as in the Morning except M^r Francis Malden who has Leave given him to go Home having offered some very good Reasons therefor.

Col^o Young from the Hon^{ble} Council delivers M^r Speaker the Bill for Limitation of Actions for avoiding Suits at Law thus indorsed Viz.

By the Council in Assembly
May the 13th 1715

Read in Council the first Time and will pass with this

Amendment in the last Line but one Viz. except such as shall L. H. J.
be taken in the Name or for the use of our Sovereign Lord
the King his Heirs and Successors

Signed p Order W Bladen Cl Council.

Eodem Die

Read again in the House of Delegates with the Amend-
ment proposed and past for ingrossing.

Col^o John Mackall from the Committee of Laws delivers
M^r Speaker a Bill for the publishing and recording the Laws
&th and transmitting Journals of the House of Delegates to
the Secretary's Office, which is read the first and second Time
by especial Order and ordered to be thus indorsed

By the House of Delegates
May the thirteenth 1715

Read the first and Second Time by especial Order and will
pass.

Signed p Order Tho^s Macnemara Cl. Ho. Del.

The said Bill is sent to the Honble Council by M^r Wright
and Major Ward

They return and say they delivered the same.

And also Col^o Mackall from the same Committee delivers
M^r Speaker a Bill laying an Imposition on Irish Servants &
Negroes and on several Sorts of Liquors imported into this
Province and for encouraging the Inhabitants to adventure
their Vessels more freely abroad. Which was read the first
and second Time and committed to the Committee of Laws
for Amendment.

M^r Parran and Cap^t Mariarte are sent up to the Honble
Council with John Rousby Esq^r Naval Officer of Patuxent
District to see him prove his Acc^{ts}

They return and say they saw him prove his Accounts.

The following Address being prepared is ordered to be
entered Viz.

By the House of Delegates
May the 13th 1715

Upon Perusal of the 26th Article of her late Majesty's Instruc- p. 531
tions concerning the 12^d p Hhd. given for the Use and Sup-
port of the Government of this Province to be applied by
your Excellency in the Manner as in the said Article is
directed and on Perusal of the Accounts of John Rousby
Esq^r one of the Officers that collected 3^d p Hhd Part of the

L. H. J. said 12^d applied for purchasing Arms and Ammunition for this Province in Patuxent District it appears that for many Years by past that Part of the said Impost applyed for Arms has been very much impaired and the Ends for which it was designed in a great Measure frustrated by Reason of the extravagant Salary of a hundred Pounds Sterling p Annum taken out of that three Pence by the said John Rousby as Receiver of the said 12^d in Patuxent District. This House humbly offers unto your Excellency that the said Duty of 12^d p Hhd is not chargeable with that Salary; but rather that the Fines and Forfeitures arising in this Province if duly collected and applied are Sufficient to defray the Charge of the Collection of the Revenue in all the Districts of this Province; And whereas this House has been informed that besides the said John Rousby one or more are appointed Receivers of the Revenue in this Province, It is further proposed that the Number of Officers for the said Collection of 12^d be reduced to one. And we likewise with all Submission pray that your Excellency will be pleased to communicate to us in such Manner as shall seem most meet and expedient to your Excellency who are the present Collectors of his Majesty's Revenue in all the Districts of this Province by what Authority they have or do receive the same and how they are paid their respective Yearly Salaries. All which (it is hoped) will tend to the Redress of the Misapplication of that Part of the said 12^d applyed for Arms &^{ta} and put this House in a Condition of judging in Pursuance of the 27th Article of the said Instructions what is further necessary to be done for the Support of this Governmn^t for the Honour and Maintenance of which we think ourselves very nearly concerned and shall be ready upon all Occasions to give Demonstration of the same.

Signed p order Tho Macnemara Cl. Ho. Del.

Sent up to his Excellency the Governor and Council by M^r Tyler, Col^o Mackall Col^o Maxfield, Major Wilson, Major Woolford, Col^o Herman, M^r Blay and Capt. Harris.

They return and say they delivered the said Address

M^r Thomas Bordley from the Committee of Laws delivers M^r Speaker an ingrossed Bill prohibiting the Importation of Bread Beer &^{ca} Horses and Mares from Pennsylvania.

p. 53² The House adjourns till to Morrow Morning Eight O'Clock

Saturday Morning 14th May 1715

The House met according to Adjournment. Present as on Yesterday

Then was read the Proceedings of this House on Yesterday L. H. J.

On reading the Address of the Visitors of the Free School to his Excellency the Governor and Council and the Indorsement thereon made it is ordered that Summons issue to M^r Benjamin Ball of Kent Island the Person interested in the said House and Lot in the said Representation mentioned which is commonly called the Kentish Ordinary as claiming under the Heir at Law of Anthony Workman deceased requiring him if to him it shall seem meet to appear before the Bar of this House on next Tuesday the 17th of this Instant in the Forenoon to shew sufficient Reasons why the Rector Governors and Visitors aforesaid shall not have Leave to bring in a Bill to invest in them an Estate in fee simple in the said House and Lot.

M^r Thomas Bordley from the Committee of Laws delivers M^r Speaker an ingrossed Bill repealing a Clause in an Act for Establishment of Religious Worship and appointing the Oaths of Abjuration to be taken in this Province.

Col^o Thomas Addison and Col^o Richard Tilghman from the Hon^{ble} Council deliver M^r Speaker the following Message Viz.

By his Excellency the Governor and Council in Assembly
May the 14th 1715

Gentlemen,

In Answer to your Message by M^r Tyler and several others relating to the Revenue we acquaint you that his Excellency and this Board do concur with your House that the Revenue of the one Moiety of 2/p Hhd. on Tobacco exported being wholly appropriated by his most Sacred Majesty ought not to be burthened with the Payment of any Salary to his Majesty's Receivers but that their Salaries ought to be paid out of the Fines and Forfeitures falling in this Province And if the said Fines and Forfeitures shall not be sufficient therefor then it may be advisable to consider of the 27th Article of his Excellency's Instructions communicated to you. We likewise concur with you that the Number of the said Receivers be reduced to one and acquaint you that we know of no other Receivers of his Majesty's said Revenue but M^r John Rousby & M^r John Dansey who act by the Authority of the Government here being appointed to those Offices on the Death of George Plater and George Muschamp Esq^r formerly appointed to those Offices by the Crown But since that his Majesty's Surveyor General has a particular Authority over the Officers of the Revenue here and is now Dayly expected his Excellency will take Care on his Arrival to settle this Matter with him.

L. H. J. In the Mean Time he has given Orders to the Several Clerks of the County Courts to return him by the first of September next an Account of all Fines and Forfeitures M^r Dansey's Accounts for the 3^d p Hhd. for Arms and for the Fines and Forfeitures are herewith sent you

Signed p Order W Bladen Cl. Council

The House adjourns till One O'Clock in the Afternoon

Saturday Afternoon

The House met according to Adjournment. Present as in the Morning.

M^r Andrew Hamilton a Member for Kent County is excused from his further Attendance this Sessions

M^r Thomas Bordley from the Committee of Laws delivers M^r Speaker a Bill for the better Administration of Justice in the several Counties and for Recovery of small Debts preventing Commissioners and Clerks from pleading as Attornies and for Amerciaments in the Provincial and County Courts which was read the first Time and ordered a second Reading on Monday Morning the 16th Instant.

The House adjourns till Monday Morning Eight O'Clock.

Monday Morning 16th May 1715

The House met according to Adjournment. Present as on Saturday except M^r Taylor M^r Trippe M^r Bradford and M^r Brown.

Then was read The Proceedings of this House on Saturday.

The following is prepared in Answer to the Message brought down from his Excellency the Governor and Council on Saturday last by Col^o Addison and L^t Col^o Tilghman about the 12^d p Hhd. Viz.

By the House of Delegates

May the 16th 1715

May it please your Excellency and Honours

Your Message of Saturday by the Hon^{ble} Col^o Addison and L^t Col^o Tilghman about the 12^d p Hhd. being read we are glad to find you concur with us in our Proposals about the same and must own that the kind and generous Offer made by his Excellency therein to settle the Affair about reducing the Number of Receivers of the King's Revenue in this Province with the proper Officer on his Arrival in all Likelihood

will tend to great Advantage to this Province for which we L. H. J. return his Excellency our most hearty Thanks and entirely relying on the good Consequence we expect from his Excellency's Efforts that way we acquiesce without troubling his Excellency with any further Application at this Time.

We beg Leave to defer the Consideration of the 27th Article p. 534 of his Excellency's Instructions communicated to us till the Account of the Fines and Forfeitures Yearly falling in this Province is known

Signed p Order. Tho^s Macnemara Cl. Ho. Del.

The same is sent to his Excellency the Governor and Council by M^r Amos Garrett Captain Daniel Mariarte Major Woolford and Capt. Codd.

They return and say they delivered the said Message

The following Report from the Committee of Aggrievances delivered by M^r Tyler on Saturday last and since that Time lying on the Table being read is ordered to be entered Viz.

By the Committee of Aggrievances

May the 12th 1715

It is humbly offered to this Committee as an Aggrievance that the foreign Merchants have too great a Liberty by the Act for Encouragement of Tillage and Relief of poor Debtors which obliges all Inland Traders to pay foreign Merchants Sterling for any Money Debt due to them when by the Act aforesaid the Inland Merchants are obliged to take the several Commodities mentioned in the same Act for any Debt due to them which unless they stand upon the same Foot will be a great Discouragement to the Inland Traders.

It is further humbly offered to this Committee as an Aggrievance that Negroes make it their Practice to gather together in Companies without Leave or License from their Masters for their so doing which if suffered may be of evil Consequence to the Province.

It is further humbly offered to this Committee as an Aggrievance that the Commissary General should have any Fees where the Estates do not amount to above thirty Pounds because the Fees that are now charged take great Part of such small Estates away.

It is further humbly offered to this Committee as an Aggrievance that any Court of Record within this Province should be admitted to suffer any Fine or Recovery to be made to cut off any Intails of Lands it being lately endeavoured to be obtained in the Provincial Court.

L. H. J. All which foregoing Aggrievances are humbly offered by
this Committee to this House for their Consideration thereof
Signed p Order Jo^e Beale Clk Committee

The same are referred for Consideration till to Morrow
Morning

L^t Col^o Samuel Young and John Hall, Esquires from the
Hon^{ble} Council deliver M^r Speaker the following Message Viz.

By his Excellency the Governor and Council in Assembly
May the 16th 1715

p. 535 Gentlemen,

In Answer to your Message this Day by M^r Garrett and
others we acquaint you that his Excellency and this Board do
agree the Consideration of the twenty seventh Article of his
Excellency's Instructions communicated to you should be
referred till it is known what the Fines and Forfeitures will
amount to and that his Excellency is very glad any Thing he
can do may be for the Country's Service and hopes it will give
you so fair an Impression of his good Intentions that you will
diligently and effectually pursue the good Ends for which
you were called together.

Signed p Order W Bladen Clk Council

The House adjourns till One O'Clock in the Afternoon

Monday Afternoon

The House met according to Adjournment. Present as in
the Morning

Then also appeared Major Bradford and M^r Browne

A Bill for the better Administration of Justice in the several
Courts and for Recovery of small Debts preventing Commis-
sioners and Clerks &^{ts} from pleading as Attorneys and for
Amerciaments in the Provincial and County Courts;

Was read the second Time pursuant to the Order of Satur-
day last and will pass

Signed p Order Tho^e Macnemara Cl. Ho. Del.

The same is sent up to the Hon^{ble} Council by Major
Philips Col^o Maxfield M^r Wright and M^r Vanderheyden.

They return and say they delivered the said Bill

Col^o Edward Lloyd and Col^o Ennalls from the Honble L. H. J. Council deliver M^r Speaker a

Copy of one of her late Majesty's Royal Instructions to his Excellency the Governor &th

You shall reduce the Salary of the Members of the Assembly to such a moderate Proportion as may be no Aggrievance to the Country wherein nevertheless you are to use your Discretion so as no Inconvenience may arise thereby.

By his Excellency the Governor & Council in Assembly
May 16th 1715

Gentlemen,

The above being a Copy of one of the Royal Instructions to his Excellency the Governor is laid before your House and your Sentiments desired thereon

Signed p Order W Bladen Clerk Council

The following Message being Prepared is ordered to be entered Viz.

By the House of Delegates
May the 16th 1715

May it please your Excellency

On Consideration had of the 28th Article of the Royal Instructions to your Excellency about a House or Rent communicated to the House of Delegates on the 24th June 1714 and by your Excellency's Concurrence referred to the last Sessions and from that to this and well knowing that since there is no House built for a Governor the Want thereof must be a considerable Charge to your Excellency; an Account of which we desire your Excellency will order to be laid before this House that our Committee of Accounts may proceed to allow the same as we can assure your Excellency the Circumstances of this Province are as yet very low so we hope your Excellency will so far continue your tender Regard of this Province as not to insist at present on the building of an House till the Province is better able to raise a Fund for that Purpose and should be very glad your Excellency would be pleased to propose to us something on that Subject

Signed p Order Tho^s Macnemara Cl. Ho. Del.

The same is sent up to his Excellency the Governor by M^r Rousby, M^r Amos Garrett, Major Wilson, M^r Thomas Holdsworth, M^r Whittington, Capt Trippe, Capt Codd and M Dashfield.

L. H. J. They return and say they delivered the same.

M^r Bordley from the Committee of Laws delivers M^r Speaker a Bill directing the manner of suing out Attachments in this Province and limiting the Extent of them &^{ts} which was read the first Time and ordered a second Reading to Morrow Morning.

Col^o John Mackall from the same Committee delivers M^r Speaker a Bill laying an Imposition on Irish Servants and Negroes and on Several Sorts of Liquors imported into this Province and for encouraging the Inhabitants to adventure their Vessels more freely abroad which was read the first and second Time by especial Order with the Amendments and will pass.

Signed p Order Tho. Macnemara Cl. Ho. Del.

M^r Thomas Bordley from the Committee of Laws delivers M^r Speaker a Bill for Stay of Execution after the tenth of May Yearly which was read the first and second Time by especial Order and ordered to be thus indorsed Viz.

By the House of Delegates
May the 16th 1715.

Read the first and second Time by especial Order and will pass.

Signed p Order. Tho: Macnemara Cl. Ho. Del.

Also M^r Bordley from the same Committee delivers M^r Speaker a Bill for the punishing the Offences of Adultery and Fornication which was read the first and second Time by especial Order and ordered to be thus indorsed

By the House of Delegates
May the 16th 1715

Read the first and second Time by especial Order and will pass

Signed p Order Tho^r Macnemara Cl. Ho. Del.

The foregoing three Bills are sent up to the Hon^{ble} Council by Cap^t Mariarte L^t Col^o Herman, Major Woolford, M^r Parran, M^r Hill and M^r Garrett

They return and say they delivered the Bills

P. 537 An ingrossed Bill for Importation of Bread, Beer &c^a Horses and Mares from Pensylvania being read and assented to by the House of Delegates was ordered to be thus indorsed

May the 16th 1715

L. H. J.

Read and assented to by the House of Delegates and
Signed p Order Tho. Macnemara Cl. Ho. Del.

An ingrossed Bill repealing a Clause in an Act for Establishment of Religious Worship and appointing the Oaths of Abjuration to be taken in this Province which being read and assented to by the House of Delegates was ordered to be thus indorsed Viz.

May the 16th 1715

Read and assented to by the House of Delegates and
Signed p Order Tho' Macnemara Cl. Ho. Del.

An ingrossed Bill for Limitation of certain Actions for avoiding Suits at Law being read and assented to by the House of Delegates is ordered to be thus indorsed

May the 16th 1715

Read and assented to by the House of Delegates, and
Signed p Order Tho' Macnemara Cl. Ho. Del.

The foregoing three ingrossed Bills are sent up to the Hon^{ble} Council by M^r Warfield and Capt. Codd.

They return and say they delivered the said Bills

L^t Col^o Samuel Young and Col^o Tilghman from the Honourable Council deliver M^r Speaker the Bill for the better Administration of Justice in the several Courts &th and for Amerciaments in the Provincial and County Courts thus indorsed Viz.

By the Council in Assembly
16th Day May 1715

On reading this Bill its observed to contain Things of different Nature Viz. the Recovery of small Debts out of Court before a single Justice and therefore it is recommended such Recoveries be provided for by a separate Law for that Purpose wherein the single Justices Jurisdiction may be enlarged to four hundred Pounds of Tobacco or thirty three shillings and four Pence and that Fines on Attorneys and others in this Bill be to his Majesty his Heirs and Successors for Support of Government and the Title of the Act altered.

Signed p Order W. Bladen Cl. Council.

L. H. J. The same is sent to the Committee of Laws to be amended accordingly.

The House adjourns till to Morrow Morning Eight O'Clock

Tuesday Morning Seventeenth May 1715

The House met according to Adjournment. Present as on Yesterday.

Then was read the Proceedings of this House on Yesterday

The House taking into Consideration that Part of the Report from the Committee of Aggrievances entered in Yesterday's Proceedings relating to foreign and Inland Traders and shewing the vast Disadvantage the Inland Traders in this Province lye under being obliged to pay the foreign Traders Sterling Money; whereas by the Act for Encouragement of Tillage the Inland Traders are obliged to receive all the Debts due to them in Country Commodities: And a Question being put whether the same be an Aggrievance is Resolved in the Affirmative by Majority of Votes; and for Remedy thereof it is Resolved That a Law obliging all Merchants as well foreign as Inland to take good Merchantable clean Tobacco at one Penny Sterling p Pound and Hemp at 6^d Sterling p Pound in Discharge of all Money Debts due to them either by Contract, Bill, Bond or protested Bill of Exchange or any other Way or Means whatsoever will be of great Advantage to this Province: And therefore it is ordered that the Committee of Laws on revising the Act about Tillage insert a Clause in the said Act obliging all Creditors as well foreign as Inland to accept of Tobacco at one Penny p Pound and good well ordered clean Hemp at six Pence p lb Sterling for all Money Debts due to them by any Way or Means whatever provided that all the Debt be paid in any one of the two said Commodities or either of them.

And the House having considered of that Part of the said Report relating to Negroes gathering together in great Numbers, Resolved That the Law relating to Servants and Slaves sufficiently provides a Remedy for that Inconveniency. And that Part of the said Report relating to the Commissary General's Office being considered is referred to the Committee of Laws, to insert a Clause for remedying the same in the Act for Probat of Wills and granting Administrations. And that Part of the Report relating to levying Fines and suffering Common Recoveries being considered the House resolves the same is an Aggrievance and that introducing such a Practice tends to the Ruin of many in this Province.

John Hall Esq^r from the Honourable Council delivers L. H. J. M^r Speaker the following Viz.

A Bill for laying an Imposition on Irish Servants, Negroes and several Sorts of Liquors &^{ia} thus indorsed Viz.

By his Excellency the Governor and Council in Assembly
May the 16th 1715.

The within Bill being read in Council it is observed that the Clause exempting the Country Vessels from paying the 3^d Tonnage and relating to Naval Officers Fees has no Dependence upon this Act for Several Imposts but of quite different Nature taking off a Duty not imposed by this Law but others; and therefore the Saving or Exception seems very irregular: and besides, the Acts for Tonnage and Limitation of Officers Fees have already provided therefor. Wherefore it is recommended that the latter Clauses be left out of the Law and that the Title thereof be altered Viz.

An Act for laying an Imposition on Negroes and on several Sorts of Liquors imported and also on Irish Servants to prevent importing too great a Number of Irish Papists into this Province. p. 539

Signed p Order W Bladen Cl. Council

Thereupon it is ordered that the Committee of Laws make the said Amendment

A Bill directing the Manner of suing out Attachments in this Province and limiting the Extent of them &^{ia} was read the second Time pursuant to the Order of Yesterday and will pass.

Signed p Order Tho^s Macnemara Cl. Ho. Del.

The said Bill is sent up to the Hon^{ble} Council by M^r Tasker and M^r Barker

They return and say they delivered the same

Major Roger Woolford, Capt. Dent and Capt Harris are added to the Committee of Laws.

M^r Thomas Robins from the Committee of Laws delivers M^r Speaker a Bill for the better Administration of Justice in the high Court of Chancery, Provincial and County Courts of this Province, for the more speedy Recovery of Debts, easy obtaining Executions against Persons absenting from the Counties where Judgments were recovered against them for preventing Commissarys, Sheriffs, Sub Sheriffs, Clerks and Deputy Clerks to plead as Attorneys in the respective Courts

L. H. J. to which they belong and for Amerciaments in the Provincial and County Courts being read this Day in the House with the Amendments was ordered to be indorsed thus Viz.

By the House of Delegates
May the 17th 1715

Read again with the Amendments and will pass.
Signed p Order Tho^r Macnemara Cl. Ho. Del.

The said Bill is sent up to the Hon^{ble} Council by Major Bradford & Capt. Fendall.

They return and say they delivered the same.

Col^o Thomas Greenfield from the Honourable Council delivers M^r Speaker a Bill for the publishing and recording the Laws &^{ia} and transmitting Journals of the House of Delegates to the Secretary's Office thus indorsed Viz.

By the Council in Assembly
May the 17th 1715

This Bill being read it is observed that the Law does not enjoin the Clerk of the Council in Assembly to transcribe and transmit his Journals of Assembly Proceedings into the Secretary's Office in like Manner as the Clerk of the House of Delegates; which has been always practised according to the ancient Constitution of the Province and therefore seems to be an Omission, and is recommended to be amended by obliging the Clerk of the Council in Assembly so to do with which Amendments this Law will pass.

Signed p Order W Bladen Cl Council

Read again in the House of Delegates with the Amendments and past for ingrossing.

p. 540 A Report being spread of some Disturbance likely to arise from Indians about Rock Creek in Prince George's County and Col^o Addison from the Governor and Council acquainting M^r Speaker that his Excellency and the Council think it fit that Major Bradford repair thither in Order to obviate any such Disturbances, Leave is given him to depart upon that Occasion.

Col^o John Mackall from the Committee of Laws delivers M^r Speaker a Bill laying an Imposition on Negroes and on several Sorts of Liquors imported, also on Irish Servants to prevent the importing too great a Number of Irish Papists into this Province; which was read the first and second Time by especial Order and ordered to be thus indorsed Viz.

By the House of Delegates
May the 17th 1715

L. H. J.

Read the first and second Time by especial Order and will pass.
Signed p Order Tho^s Macnemara Cl. Ho. Del.

Col^o John Mackall from the Committee of Laws delivers M^r Speaker a Bill for the Punishment of Blasphemy, prophane Swearing, Cursing and Drunkenness, which was read the first Time and ordered a second Reading to Morrow Morning.

M^r Matthew Mason a Member for Saint Mary's County is excused from his further Attendance this Sessions

The House adjourns till to Morrow Morning Eight O'Clock

Wednesday Morning 18th May 1715

The House met according to Adjournment. Present as on Yesterday.

Then was read the Proceedings of this House on Yesterday.

On a motion made that whereas the Hon^{ble} Edward Lloyd Esq^r late President of the Hon^{ble} Council, has during his Presidency craved Allowance of 150th Tob^o p Day and Itinerant Charges for his Attendance and Ferriages as a Councillor and was allowed the same on his Allegations that he had no Certainty of having any Part of the Revenue of 9^d p Hhd and whereas it appears he had half thereof during his Presidency, It is ordered That the Committee of Accounts inspect into the Journals of the Committee of Accounts during the Time of the said Presidency of the said Edward Lloyd and report what was allowed the said Lloyd as a Councillor in that Time, that proper Methods may be taken to oblige him to repay the same; the House having resolved That he had no Right to have such Allowance made him, having a sufficient Provision otherwise made for his Maintenance in that Time.

A Bill for the Punishment of Blasphemy profane Swearing, p. 541
Cursing and Drunkenness being read again the second Time pursuant to the Order of Yesterday the Question is put whether the same shall pass without Amendment or no? and is resolved in the Affirmative by Majority of Votes and ordered that the same be indorsed Viz.

By the House of Delegates
May the 18th 1715

Read the third Time pursuant to the Order of Yesterday and will pass

Signed p Order Tho^s Macnemara Cl. Ho. Del.

L. H. J. The said Bill is sent up to the Honble Council by M^r Hill and M^r Dashield

They return and say they delivered the same.

Capt. Thomas Dent from the Committee of Laws delivers M^r Speaker a Bill directing the Manner of electing and summoning Delegates and Representatives to serve in succeeding Assemblies. Which Bill was ordered to be read in the Afternoon.

M^r Robert Tyler has Leave to be absent from this House till to Morrow Morning. M^r John Rousby is excused from his further Attendance this Sessions.

The House adjourns till One O'Clock in the Afternoon

Wednesday Afternoon

The House met according to Adjournment. Present as in the Morning

A Bill directing the Manner of electing and Summoning Delegates and Representatives to serve in succeeding Assemblies brought down from the Committee of Laws by Capt Dent in the Morning being read the first Time; on a Motion made the Question is put whether the said Bill as it is shall pass or not and resolved in the Negative by Majority of Votes.

A Bill laying an Imposition on Negroes and on several Sorts of Liquors imported and also on Irish Servants to prevent the importing too great a Number of Irish Papists into this Province are sent up to the Honourable Council by Major Josiah Wilson, M^r Hill, M^r Parran, Capt. Trippe, Captain Harris and Capt. Dallahide.

They return and say they delivered the same.

M^r Thomas Bordley from the Committee of Laws delivers M^r Speaker an ingrossed Bill for the publishing and recording the Laws &th and transmitting Journals of the Council in Assembly and of the House of Delegates into the Secretary's Office. The same is ordered to be read to Morrow morning.

Resolved That this House will sit to do Business from Seven O'Clock in the Morning till Eleven and from One in the Afternoon till Six in the Evening.

The House adjourns till to Morrow Morning Seven O'Clock

Thursday Morning 19th May 1715

Then the House met according to Adjournment. Present as on Yesterday

Then was read the Proceedings of this House on Yesterday L. H. J.

M^r Benjamin Ball, pursuant to a Summons directed to him on the 13th Instant appeared this Day before the Bar of this House to offer his Reasons against the passing a Bill on a Representation from the Rector, Gov^m and Visitors of the Free School but said his Council was not prepared to offer their Reasons.

Thereupon it is ordered Leave be given the said Ball to be heard by his Council to Morrow Morning.

The House adjourns till One O'Clock in the Afternoon

Thursday Afternoon

The House met according to Adjournment. Present as in the Morning.

Major James Phillips from the Committee of Accounts delivers M^r Speaker a Report pursuant to the Order of Yesterday about Edward Lloyd Esq^r whereby it appears that the said Edward Lloyd during his Presidency had, allowed him for his Attendance as a Councillor and Itinerant Charges the Sum of fifty two Pounds thirteen Shillings and six Pence in Money and the Quantity of twenty nine thousand five hundred and Eighty Pounds Tobacco.

The same is referred for Consideration till to Morrow Morning

L^t Col^o Samuel Young and Col^o Thomas Addison from the Hon^{ble} Council deliver M^r Speaker the following Message Viz.

By his Excellency the Governor and Council in Assembly
May the 19th 1715

His Excellency on his coming for this Province having taken Notice that S^r Thomas Lawrence her late Majesty's Secretary of this Province on the one Hand insisted that the Fines for ordinary Licences were in the Secretary, and Col^o Blackiston Agent for this Province on the other contended that they were in the Country, he thereupon applied to his Lordship the Lord Baltimore to be informed of that Affair and his Lordship was pleased to inform him that he had formerly granted the Benefit of those Fines to one of his Relations who was his Secretary but not as Secretary only but purely as his Relation. And that if ever he had the Governm^t again he should resume those Fines. And thereupon his Excellency having very good Reasons to believe the Right of them was in the Crown as in all other his Majesty's Governm^{ts} in America acquainted the Right Hon^{ble} the then Secretary

L. H. J. of State and Lds. Commⁿ of Trade thereof whom he found readily disposed to give Directions about these Fines but least the Country to which he was a Stranger should have the least Reason to think he had any ways surprised them he forbore to desire any such Order being willing to transact this Affair
 p. 543 in the Country, But now insists upon it that those Fines are in the Crown and thinks it his Duty to assert its Rights thereto: Wherefore we think fit to acquaint you thereof and recommend to you to ascertain by a Law what the Fines of those Licenses shall be, his Excellency being pleased to declare that if the Country shall think fit to advance two thirds in Proportion towards building of a House for his Majesty's Governor he will be willing during the Time of his Governm^t here they should be applied to that use until such House is built

Signed p Order W Bladen Clk Council

The following is prepared in Answer to the Message by Col^o Young and Col^o Addison about the Fines of Ordinary Licenses Viz.

By the House of Delegates
 May the 19th 1715

May it please your Excellency and Honours

Having considered and debated your Message by L^t Col^o Samuel Young and Col^o Addison about the Fines of Ordinary Licenses and the Proposal of building a House for his Majesty's Gov^r here we are willing that such Fines be by Law settled on his Majesty his Heirs and Successors for and towards building a House for his Majesty's Gov. here the Law to endure for three Years and to the End of the next Sessions of Assembly after the three Years. And as for raising a Fund for two thirds in Proportion to be applied for building such a House the same cannot well be done at present till its Known what such Fines Yearly amount to, at which Time there shall be a Provision made for the two thirds either out of the publick Stock or by such other way as then shall be thought most expedient.

Signed p Order Tho^o Macnemara Cl. Ho. Del.

The same is sent up to the Hon^{ble} Council by Major Ward, M^r Robins, M^r Taylor and Capt. Dallahide

They return and say they delivered the Message

The House adjourns till to Morrow Morning seven O'Clock

Friday Morning 20th May 1715

L. H. J.

The House met according to Adjournment. Present as on Yesterday

Then was read the Proceedings of this House on Yesterday

M^r Benjamin Ball by his Council Charles Carroll Esq^r and M^r Tho^s Bordley being heard and his Reasons offered ag^t passing the Bill prayed in the Representation of the Rector Govⁿ and Visitors of Free Schools and William Bladen Esq^r on Behalf of the said Rector &^m his Reasons for bringing in the said Bill being duly considered; the Question is put whether Leave shall be given the said Rector Govⁿ and Visitors aforesaid to bring in the Bill aforesaid or not, and is resolved in the Affirmative Leave shall be given to bring in a Bill as prayed. p. 544

The House adjourns till One O'Clock in the Afternoon

Friday Afternoon

Then the House met according to Adjournment. Present as in the Morning

The Bill for reconciling Differences in Relation to the Bounds of Land within this Province and for settling the Bounds thereof being brought down in the Morning from the Committee of Laws by Major Woolford and since laying on the Table was read the first and second Time by especial Order and ordered to be thus indorsed Viz.

By the House of Delegates
May the 20th 1715

Read the first and second Time by especial Order and will pass

Signed p Order Tho^s Macnemara Cl. Ho. Del.

The House adjourns till to Morrow Morning Seven O'Clock.

Saturday Morning 21st May 1715

The House met according to Adjournment. Present as on Yesterday, except Col^o Ward and Capt Codd who had Leave of this House to go Home

Then was read the Proceedings of this House on Yesterday

The Bill for reconciling Differences in Relation to the Bounds of Land within this Province and for settling the Bounds thereof being read and having past this House on

L. H. J. Yesterday was sent up to the Hoñble Council by Col^o Mackall,
M^r Harrison, Major Woolford and M^r Dashield

They return and say they delivered the Bill

L^t Col^o Tilghman from the Hoñble Council delivers M^r
Speaker a Bill for the punishing the Offences of Adultery and
Fornication thus indorsed

By the Council in Assembly

May the 21st 1715

Read the first and second Time by especial Order and will
pass

Signed p Order W Bladen Clk Council.

Eodem Die.

Read again the third Time in the House of Delegates and
past for ingrossing.

Philemon Lloyd Esq. from the Hoñble Council delivers M^r
Speaker a Bill for Stay of Execution after the tenth of May
Yearly thus indorsed Viz.

By the Council in Assembly

May 21st 1715

Read the first and Second Time and will pass with the
p. 545 Addition of a Clause directing the Manner of taking the
Confessions of Judgments before the Justices

Signed p Order W. Bladen Cl. Council

Eodem Die

Read again in the House of Delegates with the Addition
of the Clause about taking the Confession and past for
ingrossing

Col^o Mackall from the Committee of Laws delivers M^r
Speaker a Bill for the Appointment of Constables &^{ta} which
was read the first Time and committed to the Committee of
Laws for Amendment.

Col^o William Coursey from the Hoñble Council delivers
M^r Speaker a Bill directing the Manner of suing out Attach-
ments in this Province & limiting the Extent of them thus
indorsed

By the Council in Assembly

May the 21st 1715

Read the first & second Time and will pass with the
Amendments

Signed p Order W Bladen Cl. Council

Eodem Die

L. H. J.

Read again the third Time in the House of Delegates after the Amendments and past for ingrossing

L^t Col^o Samuel Young from the Hon^{ble} Council delivers M^r Speaker a Bill for the better Administration of Justice in the several Courts for Recovery of small Debts preventing Commissioners or Clerks &^{ts} from pleading as Attorneys and for Amerciaments in the Provincial and County Courts thus indorsed Viz.

By the Council in Assembly
May the 21st 1715

This Bill with the Amendments being read the second Time at the Board will pass.

Signed p Order W. Bladen Cl. Council

Eodem Die

Read again in the House of Delegates and past for ingrossing

Col^o William Holland from the Hon^{ble} Council delivers M^r Speaker a Bill for the Punishment of Blasphemy profane Swearing Cursing and Drunkenness thus indorsed Viz.

By the Council in Assembly
May the 21st 1715.

Read the first and second Time by especial Order and will pass with the Amendments proposed Viz. the Fine on Blasphemy applied to the Use of the Parish Church where the Offences shall be committed.

Signed p. Order W Bladen Cl. Council

Read again in the House of Delegates with the Amendments and past for ingrossing.

Col^o Richard Tilghman from the Hon^{ble} Council delivers M^r Speaker a Bill laying an Imposition on Negroes and on several Sorts of Liquors &^{ts} thus indorsed Viz. p. 546

By the Council in Assembly
May the 21st 1715

Read in Council the first and second Time by especial Order and will pass

Signed p Order W Bladen Cl. Council

L. H. J.

Eodem Die

The said Bill is read again in the House of Delegates & past for ingrossing.

The House adjourns till One O'Clock in the Afternoon

Saturday Afternoon

The House met according to Adjournment. Present as in the Morning

M^r William Blay a Member for Kent County is excused from his further Attendance this Sessions.

M^r Foster Turbutt from the Committee of Laws delivers M^r Speaker the following Bills Viz.

A Bill ascertaining what Damages shall be allowed on protested Bills of Exchange which was read the first & second Time by especial Order and ordered to be thus indorsed Viz.

By the House of Delegates

May the 21st 1715

Read the first and second Time by especial Order and will pass.

Signed p Order Tho^s Macnemara Cl. Ho. Del.

Also a Bill directing the Manner of electing and summoning Delegates &^{ca} which was read the first and second Time by especial Order and ordered to be thus indorsed Viz.

By the House of Delegates

May the 21st 1715

Read the first and second Time by especial Order and will pass

Signed p Order Tho^s Macnemara Cl. Ho. Del.

Also a Bill for quieting Possessions, enrolling Conveyances &^{ca} which was read the first and second Time by especial Order and ordered to be thus indorsed Viz.

By the House of Delegates

May 21st 1715

Read the first and second Time by especial Order and will pass

Signed p Order Tho^s Macnemara Cl. Ho. Del.

The said three Bills are sent up to the Hon^{ble} Council by Col^o Herrman and M^r Holdsworth.

They return and say they delivered the same

L. H. J.

Also an ingrossed Bill against Adultery and Fornication which was read and assented to by the House of Delegates and ordered to be thus indorsed Viz.

May the 21st 1715

Read and assented to by the House of Delegates and
Signed p Order Tho^s Macnemara Cl. Ho. Del.

Philemon Lloyd Esq^r from the Hoⁿble Council acquaints p. 547
M^r Speaker that the Hoⁿble Council assented to the several
ingrossed Bills following on the 21st May 1715

An ingrossed Bill prohibiting the Importation of Bread
Beer &th Horses and Mares from Pennsylvania.

An ingrossed Bill for repealing a Clause in An Act for
Establishment of Religious Worship and appointing the Oaths
of Abjuration to be taken in this Province.

An ingrossed Bill for Limitation of Actions for avoiding
Suits at Law

An ingrossed Bill for the publishing and recording the
Laws and transmitting Journals of the Council in Assembly
and of the House of Delegates to the Secretary's Office was
read and assented to by the House of Delegates and ordered
to be thus indorsed Viz.

May the 21st 1715

Read and assented to by the House of Delegates and
Signed p Order Tho^s Macnemara Cl. Ho. Del.

This Bill and the ingrossed Bill against Adultery and For-
nication are sent up to the Hoⁿble Council by Major Ward
and Col^o Maxfield

They return and say they delivered the Bills

Col^o John Mackall from the Committee of Laws delivers
M^r Speaker a Bill rectifying the ill Practices of Attorneys of
this Province and ascertaining the Fees to the Attorney Gen-
eral Clerk of Judth Attorneys and Practitioners of the Law in
the Courts of this Province and for levying the same by Way
of Execution which was on the twenty first of May 1715
Read the first and second Time by especial order and will
pass and so indorsed

The same is sent up to the Hoⁿble Council by M^r Wright
and M^r Hopkins

They return and say they delivered the Bill.

L. H. J. M^r Thomas Robins from the Committee of Laws delivers M^r Speaker a Bill relating to Servants and Slaves which was ordered to be read on Monday Morning next

Cap^t Thomas Dent from the Committee of Laws delivers M^r Speaker the two Bills following Viz.

A Bill for securing Merchants and others Tobacco after they have received it and declaring the altering the Mark or Quality thereof to be Felony and against false packing.

p. 548 Also a Bill for ordering and regulating the Militia of this Province and for the better Defence and Security thereof.

Which said two Bills are ordered to be read on Monday Morning next.

An ingrossed Bill brought down from the Committee of Laws by Col^o Mackall for Stay of Execution after the tenth of May Yearly being read and assented to by the House of Delegates was ordered to be thus indorsed Viz.

May the 21st 1715.

Read and assented to by the House of Delegates and
Signed p Order Tho^s Macnemara Cl. Ho. Del.

The same is sent up to the Hoⁿble Council by M^r Harrison and M^r Baker

They return and say they delivered the Bill

Major Roger Woolford from the Committee of Laws delivers M^r Speaker the two following Bills Viz.

A Bill prohibiting all Masters of Ships and Vessels from transporting Persons without Passes.

A Bill for the Appointment of Constables &^{ca} •

Which Bills are ordered to be read on Monday Morning next.

Also an ingrossed Bill for Attachments &^{ca}

The House adjourns till Monday Morning Seven O'Clock

Monday Morning 23^d of May 1715

The House met according to Adjournment. Present as on Saturday except M^r Blay and M^r Colegate.

Then was read the Proceedings of this House on Saturday.

A Bill prohibiting all Masters of Ships and Vessels or any other Person from transporting or carrying any Person or Persons out of this Province without Passes brought down from the Committee of Laws by Major Woolford on Saturday

last was read the first and second Time by especial Order and L. H. J ordered to be thus indorsed Viz.

By the House of Delegates
the 23^d of May 1715.

Read the first and second Time by especial Order and will
pass

Signed p Order Tho^s Macnemara Cl. Ho. Del.

The same is sent up to the Hon^{ble} Council by M^r Holdsworth and M^r Tasker

They return and say they delivered the Bill

A Bill relating to Servants and Slaves brought down from the Committee of Laws by M^r Thomas Robins on Saturday last was read the first and second Time by especial Order and ordered to be thus indorsed Viz.

By the House of Delegates
May 23^d 1715

Read the first and second Time by especial Order and will
pass

Signed p Order Tho^s Macnemara Cl. Ho. Del.

The same is sent up to the Hon^{ble} Council by Capt. Trippe p. 549 and M^r Warfield

They return and say they delivered the Bill

A Bill for Appointment of Constables &^{as} brought down from the Committee of Laws on Saturday last was read in the House of Delegates the first and second Time by especial Order and will pass and so indorsed

A Bill for the ordering and regulating the Militia of this Province and for the better Defence and Security thereof brought down from the Committee of Laws by Capt. Dent on Saturday last, was read in the House of Delegates the first and second Time by especial Order and will pass and so indorsed.

The same are sent up to the Hon^{ble} Council by Major Phillips and Capt. Ballard

They return and say they delivered the Bills

A Bill for securing Merchants and others Tobacco after they have received it and declaring the altering the Mark or Quality thereof to be Felony, and ag^t false packing brought down from the Committee of Laws by Capt Dent on Saturday

L. H. J. last was read the first and second Time in the House of Delegates by especial Order and will pass and so indorsed.

The same is sent to the Hoñble Council by M^r Tyler and M^r Hudson

They return and say they delivered the Bill.

Capt. James Harris from the Committee of Laws delivers M^r Speaker an ingrossed Bill for the better Administration of Justice in the several Courts for Recovery of small Debts and preventing Commissioners and Clerks from pleading as Attorneys and for Amerciaments in the Provincial and County Courts which was ordered to be read in the Afternoon.

Major Roger Woolford from the Committee of Laws delivers M^r Speaker a Bill relating to Criminals which was read the first Time and ordered a second Reading in the Afternoon.

M^r Foster Turbutt from the Committee of Laws delivers M^r Speaker a Bill relating to the Standard &^{ta} which was read the first and second Time in the House of Delegates by especial Order and will pass and so indorsed.

The same is sent up to the Hoñble Council by M^r Tyler and M^r Hudson.

They return and say they delivered the Bill

Col^o Thomas Addison from the Hoñble Council delivers M^r Speaker the following Viz.

Council Chamber 23^d May 1715

M^r Speaker,

p. 550 I sent down a Royal Instruction to the House of Delegates on the 16 of this Instant May by Col^o Lloyd and Col^o Ennalls to which no Answer has been returned I desire you will offer it to the Consideration of the House whether three Members being returned for each County to serve in the Assembly will not answer the End proposed by the said Instruction.

Jo. Hart

To which the following is prepared in Answer Viz.

By the House of Delegates

May the 23^d 1715

May it please your Excellency,

The one and twentieth Article of the Royal Instructions brought down by Col^o Lloyd and Col^o Ennalls on the 16th and your Message of this Day by Col^o Addison being considered and debated the Matter therein being new we desire the same may be referred to the Consideration of next Sessions of

Assembly by which Time we shall better inform ourselves of L. H. J.
the Conveniency or Inconveniency that will attend such
Alteration

Signed p Order Tho^r Macnemara Cl. Ho. Del.

The same is sent up to the Hon^{ble} Council by M^r Parran
and M^r Holdsworth

They return and say they delivered the Message.

Col^o Thomas Greenfield from the Honourable Council
delivers M^r Speaker the transcribed Bill declaring how the
forty Pounds of Tobacco p Poll shall be disposed of &th with
the following Message Viz.

By his Excellency the Governor and Council in Assembly
May the 23^d 1715

We take Notice that in the Preamble of the Act declaring
how the forty Pounds of Tobacco p Poll shall be disposed of
&th (N^o 1) and transcribed on Parchment and sent up to this
Board to be revised Reference is made therein to an Act of
Religion not in Force & therefore ought to be reenacted &
amended

Signed p Order W Bladen Cl. Council

Thereupon the same is sent up to the Committee of Laws
to be reenacted and amended accordingly

The House adjourns till One O'Clock in the Afternoon

Monday Afternoon

The House met according to Adjournment. Present as in
the Morning.

A Bill relating to Criminals &th was read the second Time
in the House of Delegates pursuant to the Order in the
Morning by especial Order and will pass and so indorsed.

The same is sent up to the Hon^{ble} Council by M^r Wright
and M^r Taylor

They return and say they delivered the same

An ingrossed Bill for Attachments &th was read and p. 551
assented to by the House of Delegates and ordered to be thus
indorsed Viz.

May the 23^d 1715

Read and assented to by the House of Delegates and

Signed p Order Tho^r Macnemara Cl. Ho. Del.

L. H. J. An ingrossed Bill for the better Administration of Justice in the Several Courts for Recovery of small Debts and preventing Commissioners and Clerks from pleading as Attorneys and for Amerciaments in the Provincial & County Courts was read and assented to by the House of Delegates and ordered to be thus indorsed Viz.

May the 23^d 1715

Read and assented to by the House of Del. and
Signed p Order Tho^e Macnemara Cl. Ho. Del.

The foregoing two ingrossed Bills are sent up to the Hon^{ble} Council by M^r Harrison and M^r Brown.

They return and say they delivered the Bills

Col^o William Coursey from the Hon^{ble} Council delivers M^r Speaker the following three Bills Viz.

A Bill ascertaining what Damages shall be allowed on protested Bills of Exchange thus indorsed

By the Council in Assembly

May the 23^d 1715

Read in Council the first and second Time by especial Order and will pass

Signed p Order W Bladen Cl. Council

Eodem Die.

Read again in the House of Delegates and past for ingrossing.

Also a Bill for quieting Possessions enrolling Conveyances &^{ta} thus indorsed Viz.

By the Council in Assembly

May the 23^d 1715

Read the first and second Time by especial Order and will pass and

Signed p Order W Bladen Cl. Council.

Eodem Die.

Read again in the House of Delegates and past for ingrossing.

Also a Bill directing the Manner of electing & summoning Delegates &^{ta} thus indorsed Viz.

By the Council in Assembly
May the 23^d 1715

L. H. J.

Read in Council by especial Order the first and second Time with a Clause obliging all who have a Right to Vote to appear at the Election and give their Votes under the Penalty of a hundred Pounds Tobacco to the use of the County unless on Sufficient Excuse at the next County Court to be admitted by the said Court

Signed p Order W Bladen Cl. Council

Eodem Die.

Read again in the House of Delegates after the Amendm^t made, and past for ingrossing

Resolved Nemine contradicente That no Allowance ought p. 552 to be made for the Notary's Fee for protested Bills of Exchange to any Person whatever nor ought any Person or Persons whatever to exact demand or receive the same the Damages allowed by Law being sufficient to satisfy all.

Col^o Richard Tilghman from the Hon^{ble} Council acquaints M^r Speaker that the Hon^{ble} Council assented to the three several ingrossed Bills following

On the 23^d Day of May 1715

An ingrossed Bill for the publishing and recording the Laws &^{as} and transmitting Journals of the House of Delegates and Council in Assembly into the Secretary's Office.

An ingrossed Bill against Adultery and Fornication

An ingrossed Bill for Stay of Execution after the tenth of May Yearly.

M^r James Harris from the Committee of Laws delivers M^r Speaker a Bill appointing Court Days in the Provincial and several County Courts in this Province which was read the first Time and sent up to the Committee of Laws for Amendment.

Philemon Lloyd Esq^r from the Hon^{ble} Council delivers M^r Speaker a Bill for rectifying the ill Practices of Attorneys in this Province and ascertaining Fees to the Attorney General &^{as} thus indorsed.

By the Council in Assembly
May the 23^d 1715.

Read in Council the first and second Times and will pass with the Amendments made. And the Word "by" in the 11th Line of the 9th Folio omitted

Signed p Order W Bladen Cl. Council.

L. H. J.

Eodem Die

Read again in the House of Delegates after the Amendments made and past for ingrossing

Col^o Thomas Addison from the Hon^{ble} Council acquaints M^r Speaker that the Hon^{ble} Council Assented to the two ingrossed Bills following Viz.

On the 23^d Day of May 1715.

An ingrossed Bill for Attachments &^{ca}

An ingrossed Bill for the better Administration of Justice in the several Courts Recovery of Debts preventing Commissioners and Clerks from pleading as Attorneys and for Amerciaments in the Provincial and County Courts

p. 553 M^r Tyler from the Committee of Laws delivers M^r Speaker a Bill for Encouragement of Tillage and Relief of poor Debtors which was read the first and second Time in the House of Delegates by especial Order and will pass and so indorsed.

The same is sent up to the Honble Council by Col^o Maxwell M^r Parran M^r Hopkins and M^r Whittington

They return and say they delivered the Bill

M^r James Harris from the same Committee delivers M^r Speaker an ingrossed Bill ascertaining what Damages shall be allowed on protested Bills &^{ca}

The same is ordered to be read to Morrow Morning

Col^o Thomas Greenfield from the Hon^{ble} Council delivers M^r Speaker a Bill prohibiting all Masters of Ships and Vessels from transporting Persons without Passes thus indorsed.

By the Council in Assembly

May the 23^d 1715

Read the first and second Time by especial Order and will pass with the Amendments

Signed p Order W Bladen Cl. Council

The same with the Amendments made was read this Day in the House of Del. and past for ingrossing.

The House adjourns till to Morrow Morning Seven O'Clock

Tuesday Morning 24th of May 1715

The House met according to Adjournment. Present as on Yesterday

Then was read the Proceedings of this House on Yesterday

An ingrossed Bill ascertaining what Damages shall be L. H. J. allowed on protested Bills of Exchange was on this

24th May 1715

Read and assented to by the House of Del. and

Signed p Order Tho^s Macnemara Cl. Ho. Del.

Col^o Herman from the Committee of Laws delivers M^r Speaker a Bill for appointing certain Days on which the Provincial and the several & respective County Courts within this Province are to be held which was read the first and second Time by especial Order and will pass and so indorsed

The foregoing two Bills are sent up to the Hon^{ble} Council by M^r Hopkins and M^r Wright.

They return and say they delivered the Bills

On a Motion made the Question is put whether the Law for killing of Squirrels and Crows shall be amended or not? It is resolved in the Negative by Majority of Votes.

Captain Thomas Dent from the Committee of Laws delivers M^r Speaker the two following Bills Viz.

A Bill for taking Special Bail in the Provincial and County Courts; which was read the first and second Time in the House of Delegates by especial Order and will pass and so indorsed.

A Bill for Publication of Marriages which was read the first and second Time in the House of Delegates by especial Order and will pass & so indorsed. p. 554

The same are sent up to the Hon^{ble} Council by M^r Fendall and M^r Clayton

They return and say they delivered the Bills.

Col^o Mackall from the Committee of Laws delivers M^r Speaker a Bill for the Naturalization of Thomas Harvey of Calvert County and his Children: which was read the first and second Time in the House of Delegates by especial Order and will pass and so indorsed.

This Bill, and the Bill for taking Special Bail in the Provincial & County Courts are sent up to the Hon^{ble} Council by M^r Purnell and M^r Stone

They return and say they delivered the Bills

Col^o Herrman from the Committee of Laws delivers M^r Speaker an ingrossed Bill for laying an Imposition on Negroes and on Several Sorts of Liquors imported and also on Irish Servants to prevent the Importing too great a Number of Irish Papists into this Province: which was read and assented

L. H. J. to by the House of Delegates and Ordered to be thus indorsed
Viz.

May the 24th 1715

Read and assented to by the House of Delegates and
Signed p Order Tho^s Macnemara Cl. Ho. Del.

The same is sent up to the Hoⁿble Council by M^r Warfield
and Capt. Dallahide

They return and say they delivered the same

Col^o Mackall from the Committee of Laws delivers M^r
Speaker a Bill to supply an Omission in the Writing the last
Will and Testament of Raphael Haywood late of Saint Mary's
County Gent. deceased and settling an Estate of Inheritance
in fee simple on Robert Scott Clerk and Charles Neale
Planter the Executors and Devisees in the said Will named :
Which was read the first and second Time in the House of
Delegates by especial Order & will pass and so indorsed.

The same is sent up to the Hoⁿble Council by M^r Green-
field and M^r Hudson.

They return and say they delivered the Bill

Col^o Thomas Addison from the Hoⁿble Council delivers
M^r Speaker the two following Bills Viz.

p. 555 A Bill for ordering and regulating the Militia thus indorsed
Viz.

By the Council in Assembly

May the 23^d 1715.

Read the first and second Time by especial Order and will
pass with the following Amendments Viz.

“ That there be a reasonable Fine imposed on such Persons
who shall refuse to accept Commissions from the Governor
of this Province or Commander in Chief for the Time being,
and that any Commission Officer that shall refuse or neglect
to appear at any Muster or Training unless his lawfull Excuse
be admitted by the Field Officers shall be fined five hundred
Pounds Tobacco and that an Account of all Fines imposed by
this Law be Yearly transmitted to the Governor and Council
for their Inspection on Penalty of five hundred Pounds
Tobacco on the Major of the County and that all the Fines in
this Law be appli^d to the Use of the Militia of the County”

Signed p order W Bladen Cl. Council.

The said Bill is referred to be considered of till the After-
noon.

Also a Bill relating to Servants and Slaves thus indorsed L. H. J.
Viz.

By the Council in Assembly
May the 23rd 1715.

Read the first Time and recommended that a Clause be added limiting how many Stripes it shall be lawful for a Master to give his white Servant for any one Offence without applying to a Justice of the Peace and proposed that the Stripes exceed not ten in Number but when any Master or Mistress shall think their white Servants deserve greater Correction they shall in such Cases be obliged to apply to a Justice of the Peace who shall be empowered to order such Correction at no Time exceeding thirty nine Lashes.

The Petitions of Major Hawkins and M^r John Salter are herewith recommended to the Consideration of the House that a Clause be added to the Law for preventing any Negroes or Molattoes being set free by their Masters or Owners either in their Lifetime or at their Death which has been found very prejudicial to all Neighbourhoods where such Negroes so inhabit and that a Fine of twelve Pounds be imposed on such Persons who shall manumit their Slaves in their life times and that the Executors or Administrators of all such Persons who by their Wills or otherwise at the Time of their Death set any of their Slaves free shall pay the like Sum to the Use of the Free-Schools and that such Negroes or Slaves so manumitted shall immediately become Slaves to the Use of the Free Schools of this Province

Signed p Order W Bladen Cl. Council

The same is referred to be considered of till the Afternoon p. 556

Col^o Thomas Greenfield from the Hon^{ble} Council delivers M^r Speaker the two following Bills Viz.

A Bill for the Appointment of Constables &^m thus indorsed
Viz.

By the Council in Assembly
May the 23^d 1715.

Read the first and second Times and will pass with the Amendment Viz.

"The Constables Fee for serving Warrants in Cases of small Debts being made thirty Pounds Tobacco or half Crown."

Signed p Order W Bladen Cl. Council.

L. H. J. Read again in the House of Delegates after the Amendment made and past for ingrossing.

Also a Bill relating to the Standard &^m thus indorsed Viz.

By the Council in Assembly

May the 23^d 1715

Read the first and second Times and will pass

Signed p Order W. Bladen Cl. Council.

Read again in the House of Delegates and past for ingrossing

Col^o William Coursey from the Hon^{ble} Council delivers M^r Speaker a Bill for Encouragement of Tillage and Relief of poor Debtors thus indorsed

By the Council in Assembly

May the 23^d 1715

On reading this Bill it was put to the Question whether it should pass and Resolved it pass without the last Paragraph beginning at the Words "and for the further Encouragement of making Tobacco" and that the Bill be Temporary.

Signed p Order W Bladen Cl. Council

Read the third Time as above is proposed, in the House of Delegates and pass'd for ingrossing.

The House adjourns till One O'Clock in the Afternoon.

Tuesday Afternoon

The House met according to Adjournment. Present as in the Morning.

The Indorsement from the Council on the Back of the Bill relating to Servants and Slaves brought down in the Morning by Col^o Addison being considered and debated; the following is prepared in Answer thereto Viz.

By the House of Delegates

May the 24th 1715

Your Indorsement on this Bill being read and debated we agree to that Part of it that proposes a Clause of restraining Masters to give their Servants above ten Stripes for any one Offence but that Servants who shall be thought to deserve more shall be carried before a Justice or other Magistrate to be whipped or corrected as proposed. And as to that Part

relating to the Manumission of Negroes or Molattoe Slaves L. H. J.
p. 557
we think its hard to restrain any Master or Owner to set free a well deserving Negroe or Molattoe Slave, for Probity in such Persons is by that Means discouraged no Master or Owner being at Liberty otherwise to recompence the good Actions of a well deserving Slave therefore we cannot agree to that Clause but lest any Prejudice may happen by such Manumission we are willing to add a Clause imposing a Fine of a thousand Pounds of Tobacco on all free Negroes and Molattoes that shall entertain or harbour any Servant or Slave for every Night or twenty four Hours to be recovered by Bill Plaint &th one half thereof to the King &th for the Use of the Free Schools of this Province; and the other half to the Use of the Party grieved and if such offending free Molattoe or Negro has not Estate sufficient immediately to satisfy such Penalty he shall be sold for and towards satisfying the same as aforesaid by the Justices of the respective County Courts that hear and determine the said Bill &th And also another Clause imposing a Fine of five thousand Pounds of Tobacco on any Minister, Magistrate or other Person or Persons whatsoever that shall marry any Negroe whether bound or free or any Molattoe Slave to any white Person the said Fine to be recovered as aforesaid and to be to the Use of the Free Schools to which we pray your Honours Concurrence

Signed p Order Tho^s Macnemara Clk. Ho. Del.

The Indorsement from the Council on the Back of the Bill relating to the ordering and regulating the Militia brought down in the Morning by Col^o Addison being considered and debated the following is returned in Answer thereto Viz.

By the House of Delegates
May the 24th 1715

May it please your Honours,

On Reading and debating your Indorsement on this Bill as to that Part that proposes a Clause to impose a Fine on Persons that refuse to accept of Military Commissions from the Governor or Commander in Chief of this Province for the Time being we are unwilling to agree to such a Clause few persons being to be found or instanced that refused the same at any Time heretofore; but as to that Part that proposes a Fine to be imposed on any coffin Officer that shall refuse or neglect to appear at any Muster or Training unless his Excuse be admitted by the Field Officers, we are willing to agree to a Clause to lay a Fine on every Captain, Lieutenant Cornet and Ensign so refusing or neglecting to appear, two hundred

L. H. J. Pounds Tobacco each, and all the Fines arising by this Act to
P. 558 be Yearly transmitted to the Governor and Council by the
respective Majors of the several Counties of this Province
under the Penalty of five hundred Pounds of Tobacco and that
all the Fines be applied to the Use of the Militia of such
County where such Fines arise

Signed p Order Tho^s Macnemara Cl. Ho. Del.

The said Bills with the Indorsements thereon made are sent
up to the Hon^{ble} Council by M^r Wright and M^r Brown

They return and say they delivered the same.

Major Roger Woolford from the Committee of Laws
delivers M^r Speaker the following Bills Viz.

An ingrossed Bill for Punishment of Blasphemy, Cursing,
Swearing and Drunkenness which was read and assented to
by the House of Delegates and ordered to be thus indorsed
Viz.

May the 24th 1715.

Read and assented to by the House of Delegates and

Signed p Order Tho^s Macnemara Cl. Ho. Del.

An ingrossed Bill rectifying the ill Practices of Attorneys
&^{ts} which was read and assented to by the House of Delegates
and ordered to be thus indorsed Viz.

May the 24th 1715

Read and assented to by the House of Delegates and

Signed p Order Tho^s Macnemara Cl. Ho. Del.

The said two Bills are sent up to the Honourable Council
by M^r Harrison and M^r Stone

They return and say they delivered the same

A Bill causing Grand and Petit Jurors and Witnesses &^{ts}
Which was read the first and second Time by especial Order
in the House of Delegates and will pass and so indorsed.

Col^o John Mackall from the Committee of Laws delivers
M^r Speaker a Bill for securing Persons Rights to Town Lands
which was read the first and second Time by especial Order
in the House of Delegates and will pass and so indorsed

This Bill and the Bill for causing Grand and Petit Jurors
&^{ts} are sent up to the Hon^{ble} Council by Capt. Trippe and
M^r Stone.

They return and say they delivered the Bills.

L^t Col^o Young from the Hon^{ble} Council delivers M^r L. H. J. Speaker a Bill relating to Criminals and ascertaining their Punishment in the County Courts when prosecuted there thus indorsed Viz.

By the Council in Assembly
May the 23^d 1715.

Read the first and second Time by especial Order and will pass.

Signed p Order W Bladen Cl. Council.

And also a Bill for securing Merchants and others Tobacco P. 559
after they have received it, and declaring the altering the Mark or Quality thereof to be Felony and against false packing thus indorsed Viz.

By the Council in Assembly
May the 24th 1715.

Read the first and second Times and will pass with the Amendments Viz. omitting the Words "or paying away or receiving."

Signed p Order W Bladen Cl. Council.

Eodem Die.

Which Bills were read again in the House of Delegates and past for ingrossing.

L^t Col^o Richard Tilghman from the Hon^{ble} Council delivers M^r Speaker a Bill relating to Servants and Slaves thus indorsed Viz.

By the Council in Assembly
May the 24th 1715.

This Board do agree to the Amendments proposed by the House.

Signed p Order W Bladen Cl. Council

Eodem Die.

Read again in the House of Delegates and ordered the said Amendments be made and that the same be read again to Morrow

Also a Bill for the ordering and regulating the Militia of this Province thus indorsed Viz.

On reading this Bill with the Amendments agreed to by the Delegates this Board do concur therewith. But his Excellency

L. H. J. has been pleased to remark That what he has offered was for the good of the Country and from his Experience that psons of the best Abilities have refused to act in those Employments.

Signed p Order W Bladen Cl. Council.

Eodem Die.

Read again in the House of Delegates and past for ingrossing

Philemon Lloyd Esq^r from the Hoⁿble Council acquaints M^r Speaker that the Hoⁿble Council had agreed and assented to the two ingrossed Bills following on the 24th Day of May 1715.

An ingrossed Bill for laying an Imposition on Negroes and on Several Sorts of Liquors &^{ta}

An ingrossed Bill ascertaining what Damages shall be allowed on protested Bills of Exchange &^{ta}

M^r Peter Taylor has Leave of the House to go Home.

On a motion made the Question is put whether the Clause in the Act relating to the Sheriff's Office ordering publick and County Levies to be paid in ready Money at a Penny p Pound shall be left out or not and is resolved in the Affirmative by Majority of Votes.

The House adjourns till to Morrow Morning Seven o'clock

p. 560

Wednesday Morning 25th of May 1715.

The House met according to Adjournment. Present as on Yesterday except M^r Peter Taylor who has the Leave of this House to go home

Then was read the Proceedings of this House on Yesterday

Col^o Addison from the Hoⁿble Council delivers M^r Speaker the following Bills Viz.

A Bill appointing Court Days &^{ta} thus indorsed Viz.

By the Council in Assembly

May the 24th 1715.

Read in Council and that Part relating to the Provincial Court sitting wholly rejected

Signed p Order W Bladen Cl. Council.

The same was amended accordingly and sent up to the Hoⁿble Council by Col^o Maxwell and M^r Hudson.

They return and say they delivered the Bill.

Also a Bill for taking Special Bail in the Provincial and L. H. J. County Courts thus indorsed Viz.

By the Council in Assembly
May the 24th 1715.

Read the first and second Time by especial Order and will
pass Signed p Order W Bladen Cl. Council

Read the third Time in the House of Delegates and past
for ingrossing.

A Bill for Publication of Marriages thus indorsed Viz.

By the Council in Assembly
May the 24th 1715

Read the first and second Time by especial Order and will
pass. Signed p Order W Bladen Cl. Council

On which Bill the following Indorsement is ordered to be
made Viz.

By the House of Delegates
May the 25th 1715

On reading this Bill again considering that all the Dissenters from the Church of England are by this Act to publish their Banns according to the Rubrick of the Church of England we think it just and highly necessary that a Proviso be added to this Act that nothing therein contained shall extend to debar any Dissenters or other Persons not being of the Communion of the Church of England they being white Persons from publishing contracting and Solemnizing Matrimony among themselves as they usually did any Thing in this Act to the contrary notwithstanding; and pray your Honours Concurrence.

Signed p Order W Bladen Cl Council.

The same is sent up to the Honble Council by Capt Mariarte & M^r Hill

They return and say they delivered the Bill.

An ingrossed Bill for quieting Possessions, enrolling Conveyances &th brought down by Major Woolford on Yesterday from the Committee of Laws, was read and assented to by the House of Delegates and ordered to be thus indorsed Viz.

May the 25th 1715

Read and assented to by the House of Delegates, and
Signed p Order Tho^s Macnemara Cl. H. D.

L. H. J. An ingrossed Bill for directing the manner of electing and
P. 561 summoning Delegates &^{ta} brought down from the Committee
of Laws, on Yesterday by Capt. Dent was read and assented
to by the House of Delegates and ordered to be thus in-
dorsed Viz.

May the 25th 1715

Read and assented to by the House of Delegates, and
Signed p Order Tho^r Macnemara Cl. Ho. Del.

An ingrossed Bill prohibiting all Masters of Ships and
Vessels from transporting Persons without Passes brought
down on Yesterday from the Committee of Laws by Capt.
Dent was read and assented to by the House of Delegates
and ordered to be thus indorsed Viz.

May 25th 1715

Read and assented to by the House of Delegates and
Signed p Order. Tho^r Macnemara Cl. Ho. Del.

M^r Thomas Robins from the Committee of Laws delivers
M^r Speaker the two following ingrossed Bills Viz.

An ingrossed Bill relating to the Standard &^{ta}

An ingrossed Bill for Appointment of Constables &^{ta}

Which said two Bills were read and assented to by the
House of Delegates and ordered to be thus indorsed Viz.

May the 25th 1715.

Read and assented to by the House of Delegates and
Signed p Order Tho^r Macnemara Cl. Ho. Del.

The foregoing five ingrossed Bills are sent up to the
Hon^{ble} Council by Col^o Herman and M^r Dashfield.

They return and say they delivered the Bills

M^r Thomas Robins from the Committee of Laws delivers
M^r Speaker a Bill for Direction of Sheriffs in their Offices
and for restraining their ill Practices within this Province
which was read the first and second Time by especial Order
in the House of Delegates and will pass and so indorsed.

The said Bill is sent up to the Hon^{ble} Council by Major
Ward and Capt. Fendall

They return and say they delivered the same.

Major John Bradford a Member for Prince George's
County appears this Day in the House.

L^t Col^o Samuel Young from the Hon^{ble} Council delivers L. H. J.
M^r Speaker a Bill appointing Court Days &th thus indorsed
Viz.

By the Council in Assembly
May the 24th 1715.

Read the second Time and will pass with the Amendments
proposed and agreed to.

Signed p Order W Bladen Clk Council

Eodem Die.

Read again in the House of Delegates and past for
ingrossing

The House adjourns till One O'Clock in the Afternoon

Wednesday Afternoon

The House met according to Adjournment. Present as in
the Morning.

Major Roger Woolford from the Committee of Laws p. 562
delivers M^r Speaker a Bill relating to Servants and Slaves
amended according to the proposal of the Council and by
them approved of.

Eodem Die.

The same is read again in the House of Delegates with
the Amendments and past for ingrossing.

L^t Col. Samuel Young from the Hon^{ble} Council acquaints
M^r Speaker that the Hon^{ble} Council had agreed and assented
to the following ingrossed Bills on the 25th Day of May 1715

An ingrossed Bill for Punishment of Blasphemy, Cursing,
Swearing & Drunkenness

An ingrossed Bill for rectifying the ill Practice of Attorneys
&th

An ingrossed Bill for quieting Possessions, enrolling Con-
veyances &th

An ingrossed Bill directing the Manner of electing and
Summoning Delegates &th

An ingrossed Bill prohibiting all Masters of Ships and
Vessels from transporting or conveying away any pson or
psons whatsoever out of this Province without Passes.

An ingrossed Bill for the Appointment of Constables &
what relates to their office.

An ingrossed Bill relating to the Standard of English
Weights & Measures.

L. H. J. Col^o Coursey from the Hon^{ble} Council delivers M^r Speaker the following Message Viz.

By his Excellency the Governor and Council in Assembly
May the 25th 1715

On Reflection upon your Message by Major Ward and three other of your Members on the 19th Instant relating to the Fines for ordinary Licenses wherein you seem to insist that the Right of those Fines is in the Country; his Excellency acquaints you that he is obliged to assert his Majesty's Right thereto as in all other his Govern^{ts} in America, and therefore desires to know by what Right you claim them that he may advise thereupon.

Signed p Order W Bladen Clk Council

L^t Col^o Richard Tilghman from the Hon^{ble} Council delivers M^r Speaker a Bill for Naturalization of Thomas Harvey of Calvert County and his Children thus indorsed Viz.

By the Council in Assembly
May the 25th 1715

Read the first and second Time by especial Order and will pass.

Signed p Order W Bladen C. C.

Eodem Die.

Read again in the House of Delegates & past for ingrossing
Also a Bill for vesting in the Rector Governors & Visitors of Free Schools and their Successors forever a certain Lot of Land in the City of Annapolis and an House thereon erected commonly called the Kentish House and empowering the said Rector Gov^{ts} & Visitors more easily to transact the Business of the Free Schools thus indorsed Viz.

By the Council in Assembly
May the 25th 1715.

Read the first and second Time by especial Order and will pass.

Signed p Order W Bladen Clerk Council.

p. 563 The said Bill is read the first and second Time in the House of Delegates and past for ingrossing.

M^r Foster Turbutt from the Committee of Laws delivers M^r Speaker an ingrossed Bill for securing Merchants and others Tobacco, & against false packing &^{ts}

Also an ingrossed Bill for taking Special Bail in the Prov^d L. H. J.
& County Courts

Which said two Bills were read and assented to by the
House of Delegates and ordered to be thus indorsed Viz.

May the 25th 1715.

Read and assented to by the House of Delegates and
Signed p Order Tho^s Macnemara Cl. Ho. Del.

The said Bills are sent up to the Hon^{ble} Council by Capt.
Greenfield & M^r Baker

They return and say they delivered the Bills

Philemon Lloyd Esq^r from the Hon^{ble} Council delivers M^r
Speaker the following Message Viz.

By his Excellency the Governor and Council in Assembly
May 25th 1715

On Consideration of the Bill now proposed for ascertaining
what Damages shall be allowed on protested Bills of Exchange
his Excellency was pleased to communicate unto us one of
the Royal Instructions Viz. (Article the 17) particularly relat-
ing to Bills of Exchange and enjoining his Excy not to pass
or give his Assent to any Law wherein the Property of any
of his Majesty's Subjects of Great Britain may be concerned
unless there be a Provisoe therein that it shall not be in force
till after twelve Months in Time of Peace and Eighteen in
Time of War. Whereupon we resolved That the said Instruc-
tion be communicated unto your House and do recommend
that such Clause by Way of Proviso be added to the af^d Bill
ascertaining what Damages shall be allowed on protested Bills
of Exchange.

Signed p Order W Bladen Cl. Council.

Which Provisoe was accordingly added.

M^r Thomas Robins from the Committee of Laws delivers
M^r Speaker a Bill ascertaining the Height of Fences restrain-
ing Horse-Rangers & to redress the Evil occasioned by use-
less Horses and Mares &th which was read the first and second
Time by especial Order and will pass and so indorsed.

The said Bill is sent up to the Hon^{ble} Council by M^r Har-
rison & Cap^t Ballard.

They return & say they delivered the same.

Col^o Thomas Addison delivers M^r Speaker from the Hon^{ble}
Council a Bill to supply an Omission in the writing the last

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L. H. J. Will and Testament of Raphael Haywood late of S^t Mary's County Gent. decēd and for settling an Estate of Inheritance in fee simple on Rob^t Scott, Clerk and Charles Neale, Planter the Ex^{tn} and devisees in the said Will named; thus indorsed Viz.

By the Council in Assembly
May the 25th 1715

Read the first and second Time by especial Order and will pass

Signed p Order W Bladen Cl. Council.

Eodem Die.

Read again in the House of Delegates and past for ingrossing

P. 564 Col^o Thomas Haywood from the Hoⁿble Council delivers M^r Speaker a Bill for Publication of Marriages thus indorsed Viz.

By the Council in Assembly
May the 25th 1715

The above Indorsement being read and debated it is proposed to the Delegates that the Act now in force for the Publication of Marriages be only revised this Sessions.

Signed p Order W Bladen Cl. Council.

The House adjourns till to Morrow Morning seven O'Clock.

Thursday Morning 26th May 1715

Then the House met according to adjournment. Present as on Yesterday.

Then was read the Proceedings of this House on Yesterday Col^o Thomas Greenfield from the Hoⁿble Council acquaints M^r Speaker that the Hoⁿble Council had agreed and assented to the two ingrossed Bills following the 25th May 1715.

An ingrossed Bill for securing Merchants and others Tobacco & against false packing &c^a

An ingrossed Bill for taking Special Bail in the Prov^l & County Courts.

The following being prepared in Answer to the Message brought down from the Hoⁿble Council by Col^o Coursey on Yesterday is ordered to be entered Viz.

By the House of Delegates
May the 26th 1715

L. H. J.

May it please your Excellency and Honours,

On Consideration of your Excy & Honours Message of Yesterday by the Honble Col^e Coursey we find that our Message of the 19th by Major Ward and others only signified our Intent that such Fines should be by Law settled on his Majesty to the Uses therein mentioned and that our Consent to such a Law is necessary to give it being according to our present Constitution and hope that expressing such our Consent may not be understood as insisting on, or claiming any Thing belonging to the Perogative. We therefore only pray if your Excellency approves of the Law in the said Message as proposed that such your Approbation be notified to us that a Bill may be prepared accordingly.

Signed p Order Tho^s Macnemara Cl. Ho. Del.

The same is sent up to the Honble Council by Major Woolford & M^r Foster Turbutt

They return and say they delivered the Message.

A Bill prohibiting the carrying of Liquors to the Indian Towns or from selling any Quantity of strong Liquors to the Indians to prevent Differences between them and his Majesty's Subjects and to prevent the Transporters of any Friend Indian or Indians out of this Province brought down from the Committee of Laws by Major Woolford on Yesterday was read the first and second Time by especial Order in the House of Delegates and will pass and so indorsed

Col^e Maxwell brings in and delivers M^r Speaker a Bill for the Encouragement of making Hemp within this Province which was read the first and second Time by especial Order in the House of Delegates and will pass and so indorsed. p- 565

The foregoing two Bills are sent up to the Honble Council by Col^e Maxwell & M^r Parran

They return and say they delivered the Bills.

M^r Thomas Bordley from the Committee of Laws delivers M^r Speaker the three following Bills Viz.

An ingrossed Bill for Naturalization of Thomas Harvey of Calvert County & his Children

An ingrossed Bill for the speedy Trial of Crimminals and also ascertaining their Punishment in the County Courts when prosecuted there, and for Payment of Fees due from Criminal Persons brought down from the Committee of Laws on Yesterday by M^r Turbutt.

L. H. J. An ingrossed Bill for Encouragement of Tillage & Relief of poor Debtors.

Which foregoing three ingrossed Bills were read and assented to by the House of Delegates and ordered to be severally thus indorsed Viz.

May the 26th 1715.

Read and assented to by the House of Delegates and
Signed p Order Tho^e Macnemara Cl. Ho. Del.

The said Bills are sent up to the Hoⁿble Council by Capt. Fendall & Capt. Dallahide

They return and say they delivered the Bills

The House adjourns till One O'Clock in the Afternoon

Thursday Afternoon

The House met again according to Adjournment. Present as in the Morning.

M^r Thomas Bordley from the Committee of Laws delivers M^r Speaker a Bill for the better Administration of Justice in Testamentary Affairs, granting Administrations, recovering of Legacies, securing Filial Portions, and Distribution of Intestates Estates; which was read the first and second Times in the House of Delegates and will pass and so indorsed.

The said Bill is sent up to the Hoⁿble Council by M^r Tasker & Capt. Ballard.

They return and say they delivered the same.

Ordered That the Committee of Accounts make the following Allowances to the several Clerks for their Services done and Expences this Sessions Viz.

To the Clerk of the Committee of Laws twenty five Pounds.

To the Clerk assistant of the Committee of Laws fifteen Pounds.

To the Clerk of the Committee of Accounts Eighteen Pounds.

To the Clerk of Aggrievances and Elections twelve Pounds.

Ordered That the Clerk of the Committee of Laws, and of the Committee of Accounts be allowed in all Sessions hereafter two hundred Pounds Tob^o p Diem for every Day during every Sessions.

And that the Clerks Assistant to the Clerk of this House be allowed a hundred and Eighty Pounds of Tobacco p Diem, and that the Clerk of the Committee of Laws be allowed a

hundred and Eighty Pounds of Tobacco for every Day he attends and the Clerk of the Committee of Aggrievances be allowed for every Day he attends two hundred Pounds of Tobacco and to the Clerk of the Committee of Elections &^a be allowed two hundred Pounds of Tobacco for every Day he attends. L. H. J.

Mr Edward Brown a Member for Queen Ann's County is excused from his further Attendance this Sessions. p. 560

Col^o William Holland from the Hon^{ble} Council delivers Mr Speaker a Bill for encouraging the making Hemp in this Province thus indorsed Viz.

By the Council in Assembly
May the 26th 1715.

This Bill being read and debated at this Board, Resolved that it strikes at the Foundation of all Trade and Commerce & that it would be very unjust to oblige Merchants or others who have dealt for Money to take Hemp at so dear a Rate being far more than ever it produces in Great Britain.

Signed p Order W Bladen Cl. Council.

Ordered, Nemine contradicente, That all the Tobacco that is or shall be allowed to Thomas Macnemara Clerk of this House for his Clerk Assistant and their Expences and for transcribing and recording the Journals of this House be paid him in Ann Arundel, Calvert and Prince George's Counties or any one or more of them; and that the Committee for laying the publick Levy apportion the same accordingly.

Mr Foster Turbutt from the Committee of Laws delivers Mr Speaker an ingrossed Bill for vesting in the Rector Governors and Visitors of Free Schools & their Successors forever a certain Lot of Land in the City of Annapolis and an House thereon built commonly called the Kentish House and empowering the said Rectors & Visitors more easily to transact the Business of the said Free Schools which was read and assented to by the House of Delegates and ordered to be thus indorsed Viz.

May the 26th 1715.

Read and assented to by the House of Delegates, and

Signed p Order Tho^r Macnemara Cl. Ho. Del.

The same is sent up to the Hon^{ble} Council by Capt. Greenfield & Mr Warfield

They return and say they delivered the Bill.

L. H. J. Philemon Lloyd Esq^r from the Hoⁿble Council acquaints M^r Speaker that the Hoⁿble Council had agreed to the three ingrossed Bills following on the 26th Day of May 1715

An ingrossed Bill for Naturalization of Thomas Harvey & his Children.

An Ingrossed Bill for the speedy Trial of Criminals and ascertaining their Punishment in the County Courts when prosecuted there and for Payment of Fees due from Criminal Persons.

An ingrossed Bill for Encouragement of Tillage and Relief of poor Debtors.

An ingrossed Bill to supply an Omission in the writing the last Will & Testament of Raphael Haywood late of S^t Mary's County Gent. dece'd and for settling an Estate of Inheritance in fee simple on Robert Scott, Clerk and Charles Neale Planter the Ex^{rs} and devisees in the said Will named; which was read and assented to by the House of Delegates and ordered to be thus indorsed Viz.

May the 26th 1715

Read & assented to by the House of Delegates &
Signed p Order Tho^s Macnemara Cl. Ho. Del.

p. 567 The same is sent up to the Hoⁿble Council by Capt. Harris & M^r Whittington.

They return and say they delivered the Bill.

Col^o Thomas Addison from the Hoⁿble Council acquaints M^r Speaker that the Hoⁿble Council had agreed and assented to the ingrossed Bill following, on the 26th May 1715

An ingrossed Bill for vesting in the Rector Governors & Visitors of Free Schools and their Successors forever a certain Lot of Land in the City of Annapolis and an House thereon erected commonly called the Kentish House and empowering the said Rectors and Visitors more easily to transact the Business of the said Free Schools.

Col^o Thomas Greenfield from the Hoⁿble Council acquaints M^r Speaker that the Hoⁿble Council had agreed and assented to the ingrossed Bill following on the 26th Day of May 1715.

An ingrossed Bill to supply an Omission in the writing the last Will & Testament of Raphael Haywood late of S^t Mary's County Gent. decēd and for settling an Estate of Inheritance in fee simple on Robert Scott Clerk and Charles Neale Planter the Ex^{rs} & Devisees in the said Will named.

M^r Foster Turbutt from the Committee of Laws delivers M^r Speaker a Bill to declare how the forty Pounds of Tobacco

Ƴ Poll in such Parishes where there is no Incumbent shall be L. H. J.
disposed of ; which was read the first and second Time by
especial Order and will pass & so indorsed. The same is
sent up to the Hoñble Council by Col^o Herman & M^r Harrison.

They return and say they delivered the Bill.

M^r Thomas Bordley from the Committee of Laws delivers
M^r Speaker a Bill providing what shall be good Evidence to
prove foreign and other Debts and to prevent vexatious and
unnecessary Suits at Law and pleading Discounts in Bar ;
which was read the first and second Time by especial Order
in the House of Delegates and will pass and so indorsed.

Capt. Thomas Dent from the Committee of Laws delivers
M^r Speaker a Bill against Embezzlement of Wills and Records
in this Province ; which was read the first & second Time by
especial Order in the House of Delegates & will pass & so
indorsed.

The said two Bills are sent up to the Hoñble Council by
Major Woolford & M^r Harrison

They return and say they delivered the Bills.

The House adjourns till to Morrow Morning Seven O'Clock.

Friday Morning 27th May 1715

The House met according to Adjournment. Present as on
Yesterday.

Then was read the Proceedings of this House on Yesterday.

L^t Col^o Samuel Young from the Hoñble Council delivers
M^r Speaker the following Bills Viz.

A Bill causing Grand and Petit Jurors and Witnesses to
come to the Prov^l & County Co^a and ascertaining their
Allowances thus indorsed Viz.

By the Council in Assembly
May the 25th 1715

Read in Council the first and second Time by especial p. 568
Order and will pass.

Signed Ƴ Order W Bladen Clk. Council.

A Bill to declare how the forty Pounds of Tobacco Ƴ Poll
in Such Parishes where there is no Incumbent shall be dis-
posed of thus indorsed Viz.

By the Council in Assembly
May the 26th 1715.

Read the first and second Time by especial Order and will
pass Signed Ƴ Order W Bladen Clk. Ho. Del.

L. H. J.

Eodem Die.

Which said three Bills are read again in the House of Delegates & past for ingrossing.

A Bill to secure Persons Rights to Town Lands thus indorsed
Viz.

By the Council in Assembly
May the 26th 1715.

Read the first and second Times by especial Order and will
pass.

Signed p Order W Bladen Clk Council.

Eodem Die.

Which said three Bills are read again in the House of Delegates and past for ingrossing.

A Bill ascertaining the Height of Fences, to prevent the Evil occasioned by the Multitude of Horses and restraining Horse Rangers within this Province and to redress the great Evil accruing to this Province by the Multiplicity of useless Horses Mares and Colts that run in the Woods thus indorsed
Viz.

By the Council in Assembly
26th May 1715.

Read the first Time & put to the Question whether the Clause obliging the Ranger to return wild Horses, Mares, Geldings, Bulls or Cows, tho' three Years old on Proof made at any Time within six months after their being taken of the former Proprietor thereof should be agreed to; and Resolved Nemine contradicente that the said Clause be rejected And further proposed that all young stoned Horses running in the woods be cut before they be Eighteen months old or otherwise it may be lawful for the Ranger of the County to take them up and after gelding convert them to his own Use or for any other Person to shoot and destroy them.

Signed p Order W Bladen Clk Council.

Upon which the following Indorsement is ordered to be made

By the House of Delegates
May the 27th 1715.

May it please your Honours,

Your Indorsement on this Bill being read we agree to leave out the Clause of returning to the Proprietor of any wild Horse, Mare, Gelding, Bull or Cow in six Months after the

taking up but instead of the Clause you propose that young L. H. J.
stoned Horses running in the Woods be cut before Eighteen
Months old or otherwise the Ranger of the County may take
them up and after gelding convert them to his own Use, we
propose that a Clause be inserted that it shall be lawful for
any Person or Persons whatsoever to kill shoot or destroy any p. 569
stoned Horse or Colt of Eighteen Months old or upwards
running in the woods or otherwise at his or their Election to
take up and geld such Stoned Horse or Colt and use him as
his own proper Goods and Chattels till the Proprietor pay
such Taker up a Hundred Pounds of Tobacco for his Trouble
and pray your Hon^{rs} Concurrence

Signed p Order Tho^s Macnemara Clk Ho. Del.

The same is sent up to the Hon^{ble} Council by Capt.
Mariarte and M^r Harrison

They return and say they delivered the Bill.

The House adjourns till One O'Clock in the Afternoon

Friday Afternoon

The House met according to Adjournment. Present as in
the Morning.

A Bill for the speedy Recovery of small Debts brought
down from the Committee of Laws on Yesterday by Major
Woolford was read the first Time and committed for Amend-
ments to the Committee of Laws Viz. that the small Debts
not exceeding four hundred Pounds of Tobacco or thirty
three Shillings and four Pence be recovered as small Debts
not exceeding two hundred Pounds Tobacco or sixteen Shil-
lings and Eight Pence were formerly recovered by the Act
now in Force and not otherwise if the Debtor is not to be found
on the first Warrant the Creditor may sue in the County
Court for his Debt any Law, Statute, &th

M^r Bordley from the Committee of Laws delivers M^r
Speaker an ingrossed Bill appointing certain Days on which
the several and respective County Courts in this Province are
to be held; which was read and assented to by the House of
Delegates and ordered to be thus indorsed Viz.

May the 27th 1715

Read and assented to by the House of Delegates &

Signed p Order Tho^s Macnemara Cl. Ho. Del.

An ingrossed Bill for the ordering and regulating the
Militia of this Province and for the better Defence and

- L. H. J. Security thereof brought down from the Committee of Laws by Capt. Harris was read and assented to by the House of Delegates and ordered to be thus indorsed Viz.

May the 27th 1715.

Read and assented to by the House of Delegates and
Signed p Order Tho^a Macnemara Cl. Ho. Del.

The said two Bills are sent up to the Hoⁿble Council by
Capt. Colegate & M^r Turbutt

They return and say they delivered the Bills.

An ingrossed Bill to declare how the forty Pounds of Tobacco p Poll in such Parishes where there is no Incumbent shall be disposed of; was read and assented to by the House of Delegates and ordered to be thus indorsed Viz.

May the 27th 1715

Read and assented to by the House of Delegates and
Signed p Order Tho^a Macnemara Cl. Ho. Del.

The same is sent up to the Hoⁿble Council by M^r Harrison & M^r Purnell

They return and say they delivered the Bill.

- p. 570 Col^o Edward Lloyd from the Hoⁿble Council delivers M^r Speaker a Bill for the better Administration of Justice in Testamentary Affairs, granting Administrations, recovering of Legacies, securing Filial Portions, and Distribution of Intestates Estates thus indorsed Viz.

May the 27th 1715

Read the first and second Time and will pass with the Clause relating to Free Schools added to Folio 4 omitted the old Clause for Guardians paying Quit Rents inserted for cultivated Lands and the Clause proposed relating to Protestant Children in the Hands of their Mothers of the Popish Communion likewise added and the last Clause relating to the Commissary Generals citing Exⁿ & Administrators only at the Instance of Parties omitted being repugnant to the Body of the Law and may be prejudicial to the Estates of Orphans

Signed p Order. W Bladen Cl Council.

Eodem Die.

Read again in the House of Delegates after the Amendments made and past for ingrossing

L^t Col^o Richard Tilghman from the Hon^{ble} Council L. H. J. acquaints M^r Speaker that the Hon^{ble} Council had agreed and assented to the three ingrossed Bills following on the 27th May 1715

An ingrossed Bill for the ordering and regulating the Militia of this Province and for the better Defence and Security thereof.

An ingrossed Bill appointing certain Days in which the several & respective County Courts within this Province are to be held.

An ingrossed Bill to declare how the forty Pounds of Tobacco p Poll in such Parishes where there is no Incumbent shall be disposed of.

Col^o Thomas Addison from the Hon^{ble} Council delivers M^r Speaker a Bill ascertaining the Height of Fences to prevent the Evil occasioned by the Multitude of Horses and restraining Horse Rangers within this Province and to redress the great Evil accruing to this Province by the Multitude of useless Horses Mares and Colts that run in the Woods thus indorsed Viz.

By the Council in Assembly
May the 27th 1715

Read again and the Amendments by the House agreed to, save that all stoned Horses running in the Woods above Eighteen Months old shall be shot and destroyed lest there should be too great Encouragement by the Clause proposed, given to Horse Stealers

Signed p Order W Bladen Cl. Council

Read again in the House of Delegates after the Amendm^{ts} made & past for ingrossing.

Col^o Thomas Greenfield from the Hon^{ble} Council delivers M^r Speaker a Bill against Embezzlement of Wills & Records within this Province thus indorsed Viz.

By the Council in Assembly
27th May 1715

Read the first and second Time by especial Order and will pass.

Signed p Order W Bladen Clk Council.

Eodem Die.

Read again in the House of Delegates & past for ingrossing.

L. H. J. M^r Thomas Bordley from the Committee of Laws delivers M^r Speaker a Bill for Recovery of small Debts out of Court; p. 571 which was read the first and second Time by especial Order in the House of Delegates and will pass & so indorsed.

The same is sent up to the Hoⁿble Council by M^r Parran & M^r Warfield.

They return and say they delivered the same.

Col^o William Coursey, & L^t Col^o Tilghman from the Hoⁿble Council deliver M^r Speaker the two following Bills Viz.

- A Bill for reconciling Differences in relation to the Bounds of Lands within this Province and for settling the Bounds thereof proposed by the House which is thus indorsed Viz.

By the Council in Assembly
May the 27th 1715

The Bill being read is thought impracticable and the other of the same Title herewith sent is recommended to the Delegates

Signed p Order W. Bladen Clk Council.

Also a Bill for ascertaining the Bounds of Land within this Province proposed by the Hoⁿble Council which is thus indorsed Viz.

By the Council in Assembly
May the 27th 1715.

Read in Council the first and second Times and recommended to the Consideration of the House of Delegates.

Signed p Order W Bladen Clk Council.

The House adjourns till to Morrow Morning seven O'Clock.

Saturday Morning 28th May 1715

The House met according to Adjournment. Present as on Yesterday.

Then was read the Proceedings of this House on Yesterday.

A Bill proposed by his Excellency the Governor and Council brought down on Yesterday by Col^o Coursey and L^t Col^o Tilghman for ascertaining the Bounds of Land within this Province was read the first and second Time and the following Message was prepared thereto Viz.

By the House of Delegates
May the 28th 1715

L. H. J.

May it please your Excellency & Honours,

We have read with great Satisfaction the Bill proposed by your Excellency and Honours for ascertaining the Bounds of Land within this Province the first and second Time, and as we find the same to be an excellent, well, and ingeniously devised Bill, and tending to the Good and Welfare of this Province, the reducing the same unto Practice being particularly owing to your Excellency's Speech to the House of Delegates in October Assembly last, so we hold ourselves bound to render your Excellency and Honours our most hearty Thanks for devising so useful a Law; as Nothing that is new can be perfect at it's first Invention; We humbly propose the following Amendments which we hope your Excellency and Honours, on Consideration will find useful for putting the said Law in Practice with which the said Bill will pass Viz. Page 3. 18 Line, or Part or Parcel of any Tract or Tracts of Land. Page 3. 21 Line, any ways interested in Such Dispute Page 7. 15 Line, on each of. In the same Page 16th Line a Clause to be added for Sheriffs Coroners &th to pay due Obedience to the Commissioners as to the Provincial Court which is herewith sent. And a Proviso that where Bounds have been settled or determined before this Time by Law, Suits, Arbitrations or otherwise, such Determination appearing upon Record, shall, as so settled and determined remain and continue unaltered and be no ways subject to any Alteration whatsoever by Virtue of this Act, and notwithstanding this Law, the Provincial Court may determine all Actions of Trespass & Ejectment already depending before them or which shall be commenced before the first Day of June Seventeen hundred and Sixteen against Persons beyond Seas but the Law so far as it concerns the People of this Province to be in force immediately after the End of this Sessions. p. 572

Signed p Order Tho^s Macnemara Cl. Ho. Del.

The same is sent up, and the Bill, to the Hoⁿble Council by M^r Tyler, Col^o Mackall, M^r Hill, Major Wilson, Cap^t Mariarte, M^r Wright, Capt Ballard, Capt. Trippe and M^r Hopkins.

They return and say they delivered the Bill & Message.

Philemon Lloyd Esq. from the Hoⁿble Council delivers M^r Speaker a Bill for Direction of Sheriffs in their Offices and restraining their ill Practices within this Province thus indorsed Viz.

L. H. J.

May the 28th 1715

Read in Council the first and second Time by especial Order and will pass with the Amendments proposed thereto

Signed p Order W Bladen Clk Council.

The same was read again in the House of Delegates and after the Amendm^{ts} made past for ingrossing.

Capt. Harris, Col^o Herman and Capt. Greenfield are excused from any further Attendance this Sessions.

Ordered that M^r Speaker and Eighteen Members be a House to proceed on any Business during this Sessions.

Col^o Thomas Addison from the Hoⁿble Council delivers M^r Speaker a Bill prohibiting the carrying of Liquors to the Indian Towns, selling any Quantity of strong Liquors to the Indians, to prevent Differences between them and his Majesty's Subjects and to punish the Transporter of any Friend Indian or Indians out of this Province thus indorsed Viz.

By the Council in Assembly

May the 28th 1715

Read in Council the first and second Time by especial Order and will pass.

Signed p Order W Bladen Clk Council.

Eodem Die.

Read again in the House of Delegates & past for ingrossing

Col^o Thomas Greenfield from the Hoⁿble Council delivers M^r Speaker a Bill providing what shall be good Evidence to prove foreign & other Debts and to prevent vexatious and unnecessary Suits at Law and pleading Discounts in Bar thus indorsed Viz.

By the Council in Assembly

May the 28th 1715

p. 573 Read the first and second Time by especial Order and will pass.

Signed p Order W Bladen Clk. Council.

Eodem Die.

Read again in the House of Delegates & past for ingrossing

The House adjourns till One O'Clock in the Afternoon

Saturday Afternoon

The House met again according to Adjournment. Present as in the Morning.

An ingrossed Bill against Embezzlement of Wills or Records L. H. J. within this Province, was read and assented to by the House of Delegates this 28th May 1715 and

Signed p Order. Tho. Macnemara Cl. Ho. Del.

An ingrossed Bill relating to Servants and Slaves brought down on Yesterday by Maj^r Woolford from the Committee of Laws was read and assented to by the House of Delegates this 28th May 1715 and

Signed p Order Tho^s Macnemara Cl. Ho. Del.

An ingrossed Bill securing Persons Rights to Town Lands brought down from the Committee of Laws this Day by Col^o Mackall was read and assented to by the House of Delegates the 28th May 1715 &

Signed p Order Tho^s Macnemara Cl. Ho. Del.

And was so indorsed.

The aforesaid three ingrossed Bills are sent up to the Hoⁿble Council by M^r Baker and M^r Clayton

They return and say they delivered the Bills.

L^t Col^o Tilghman from the Hoⁿble Council delivers M^r Speaker a Bill for Recovery of small Debts out of Court before a single Justice of the Peace thus indorsed Viz.

By the Council in Assembly

May 28th 1715

Read the first and second Time by especial Order and will pass with the Title altered

Signed p Order W Bladen Clk. Council.

Eodem Die.

Read again in the House of Delegates with the Amendments and past for ingrossing.

L^t Col^o Samuel Young from the Hoⁿble Council acquaints M^r Speaker that the Hoⁿble Council agreed and assented to the ingrossed Bills following on the 28th Day of May 1715

An ingrossed Bill against Embezzlement of Wills or Records within this Province

An ingrossed Bill relating to Servants and Slaves.

An ingrossed Bill securing Persons Rights to Town Lands.

Col^o William Coursey from the Hoⁿble Council delivers M^r Speaker a Bill ascertaining the Bounds of Land within this Province thus indorsed Viz.

L. H. J.

May the 28th 1715

Read again in Council with the Amendments proposed by the Delegates which are all agreed to save the last Viz. that the Law be immediately in force after the End of this Sessions
p. 574 which his Excellency and this Board cannot consent to, this Law being of a very extraordinary Nature.

Signed p Order W Bladen Clk Council.

Eodem Die.

Read again in the House of Delegates with the Amendments and past for ingrossing.

Major Roger Woolford from the Committee of Laws delivers M^r Speaker an ingrossed Bill for the better Administration of Justice in Testamentary Affairs granting Administrations, recovering of Legacies, securing Filial Portions and Distribution of Intestates Estates was read and assented to by the House of Delegates and ordered to be thus indorsed Viz.

May the 28th 1715

Read & assented to by the House of Delegates and
Signed p Order Tho^s Macnemara Cl. Ho. Del.

The same is sent up to the Hon^{ble} Council by Major Ward & M^r Dashield

They return and say they delivered the Bill.

The House adjourns till Monday Morning Seven O'Clock.

Monday Morning 30th May 1715

The House met according to Adjournment. Present as on Saturday except Col^o Herrman, M^r Harris and Capt. Greenfield
Then was read the Proceedings of this House on Saturday.

The Journal of the Committee of Accounts brought down by Major Philips from the Committee of Laws on Saturday last was this 30th Day of May 1715 read and assented to by the House of Delegates and

Signed p Order. Tho^s Macnemara Cl. Ho. Del.

Major Woolford from the Committee of Laws delivers M^r Speaker a Bill ascertaining the Gauge of Tobacco Hhds and to prevent cropping cutting and defacing Tob^o taken on Board Ships and Vessels upon Freight which was read the first Time and committed to the Committee of Laws for Amendment

The House proceeds to tax Fees on the several Bills private L. H. J. following Viz.

To the Hoñble the Speaker for the private Bill for reuniting New Port Hundred to King and Queens Parish in S' Mary's County the Sum of twelve hundred Pounds of Tobacco and to Thomas Macnemara Clerk the Sum of six hundred Pounds of Tobacco to be paid by the Vestrymen of King and Queen's Parish in Saint Mary's County.

To the Hoñble the Speaker for the Bill making valid W^m Lunn's Deed to Tho' Larkin the Sum of forty Shillings and to Thomas Macnemara Clerk the Sum of twenty Shillings. Ordered the said Larkin pay the same.

To the Hoñble the Speaker for the Bill supplying Defects p. 575 in the conveying of Lands from Beard to Wright, and from Wright to Chambers the Sum of forty Shillings and to Thomas Macnemara Clerk the Sum of twenty shillings. Ordered to be paid by the said Chambers.

To the Hoñble the Speaker for the Naturalization of Thomas Harvey the Sum of twenty five Shillings and to Thomas Macnemara Clerk the Sum of ten Shillings. Ordered to be paid by the said Harvey

To the Hoñble the Speaker for the Bill about the Kentish House brought in Favour of the Rector Governors & Visitors of Free Schools the Sum of three Pounds and to Thomas Macnemara the Sum of thirty Shillings. Ordered to be paid by the said Rector Governors and Visitors of Free Schools.

To the Hoñble the Speaker for the Bill in supplying a Defect in the last Will and Testament of Raphael Haywood and for settling an Estate in Robert Scott Clerk and Charles Neale Planter the Sum of twelve hundred Pounds of Tobacco and to Thomas Macnemara Clerk the Sum of six hundred Pounds of Tobacco. Ordered to be paid by the said Scott and Neale.

M^r Thomas Robins from the Committee of Laws delivers M^r Speaker an ingrossed Bill causing Grand and Petit Jurors and Witnesses to come to the Provincial County Courts and ascertaining their Allowances ; which was read and assented to by the House of Delegates and ordered to be thus indorsed Viz.

May the 30th 1715

Read and assented to by the House of Delegates and
Signed p Order Tho' Macnemara Cl. Ho. Del.

Sent up to the Hoñble Council by M^r Harrison and Capt. Ballard

- L. H. J. They return and say they delivered the same
Col^o Lloyd, Col^o Coursey, Col^o Holland, L^t Col^o Young,
Philemon Lloyd Esq^r & L^t Col^o Tilghman from the Hoⁿble
Council deliver M^r Speaker the following Letter Viz.

Council Chamber 30th May 1715.

M^r Speaker,

I am to acquaint the House of Delegates that I have a Letter from my Lord Baltimore notifying the Death of his Noble Father the late Lord Baltimore, who as he has ever carried himself with great Candour and Affection to this Province I must condole with you for the Loss of so good a Friend. But as his Lordship is succeeded by a worthy Son who promises as much as you can reasonably expect, from his Circumstances, I congratulate with you on this Occasion, and avow from a Personal Knowledge which I have of his Lordships good Disposition that you may be a very happy People (if you please) under such a Landlord. His Lordship does me the Honour to entrust me with the Management of his private Affairs in this Province. I therefore desire to know what Resolution you will come to in Relation to his Rents since his Lordship does not think fit to stand to the Agreement made by the late Lord Baltimore upon the precarious Footing the Hogsheads now stand

Jo. Hart

- p. 576 Philemon Lloyd Esq^r from the Hoⁿble Council acquaints M^r Speaker that the Hoⁿble Council had agreed and assented to the ingrossed Bill following on the 30th Day of May 1715

A Bill for the better Administration of Justice in Testamentary Affairs, granting Administrations, recovering of Legacies, securing Filial Portions and Distribution of Intestates Estates.

The House adjourns till One O'Clock in the Afternoon

Monday Afternoon

The House met according to adjournment. Present as in the Morning.

An ingrossed Bill ascertaining the Height of Fences to prevent the Evil occasioned by the Multitude of Horses, and restraining Horse Rangers within this Province and to redress the great Evil accruing to this Province by the Multiplicity of useless Horses, Mares and Colts that run in the Woods, brought down in the Morning by M^r Robins from the Committee of Laws was read and assented to by the House of Delegates and ordered to be thus indorsed Viz.

30th May 1715.

L. H. J.

Read and assented to by the House of Delegates &
Signed p Order Tho^r Macnemara Cl. Ho. Del.

The same is sent up to the Hon^{ble} Council by Capt. Colegate & M^r Williamson

They return and say they delivered the Bill.

L^t Col^o Samuel Young from the Hon^{ble} Council acquaints M^r Speaker that the Hon^{ble} Council had agreed and assented to the following ingrossed Bill on the 30th Day of May 1715.

An ingrossed Bill causing Grand & Petit Jurors and Witnesses to come to the Provincial and County Courts and ascertaining their Allowances

Col^o William Coursey from the Hon^{ble} Council delivers M^r Speaker the following Message Viz.

By his Excy the Gov^r & Council in Assembly
May 30th 1715

Major Bradford will give the House an Account of some Indians that have lately given Proof of their Fidelity and Service to this Province; it is therefore recommended to your House that some Provision be made to gratify them

Signed p Order W Bladen Cl Council

Col^o William Holland from the Hon^{ble} Council acquaints M^r Speaker that the Hon^{ble} Council had agreed and assented to the following ingrossed Bill on the 30th Day of May 1715

An ingrossed Bill ascertaining the Height of Fences, to prevent the Evil occasioned by the Multitude of Horses and restraining Horse Rangers within this Province, and to redress the great Evil accruing to this Province by the Multiplicity of useless Horses Mares and Colts that run in the Woods

An ingrossed Bill prohibiting the carrying of Liquors to the Indian Towns, selling any Quantity of strong Liquors to the Indians to prevent Differences between them and his Majesty's Subjects and to punish the Transporters of any Friend Indian or Indians out of this Province was read and assented to by the House of Delegates and ordered to be thus indorsed Viz. p. 577

30th May 1715

Read and assented to by the House of Delegates and
Signed p Order Tho^r Macnemara Cl. Ho. Del.

L. H. J. The same is sent up to the Hoñble Council by Capt. Mariarte and M^r Harrison

They return and say they delivered the Bill

Col^o Lloyd from the Hoñble Council acquaints M^r Speaker that the Hoñble Council had read and assented to the following ingrossed Bill on the 30th Day of May 1715

An ingrossed Bill prohibiting the carrying of strong Liquors to the Indian Towns and from selling any Quantity of strong Liquors to the Indians to prevent Differences between them and his Majesty's Subjects and to punish the Transporters of any Friend Indian or Indians out of this Province.

Capt. Fendall being indisposed is excused from his further Attendance this Sessions

The House adjourns till to Morrow Morning Seven O'Clock.

Tuesday Morning 31st May 1715.

The House met according to Adjournment. Present as on Yesterday except Capt. Fendall who had Leave to go Home Yesterday in the Afternoon.

Then was read the Proceedings of this House on Yesterday.

An ingrossed Bill ascertaining the Bounds of Lands within this Province was this 31st of May 1715 Read and assented to by the House of Delegates &

Signed p Order Tho^s Macnemara Cl. Ho. Del.

An ingrossed Bill for speedy Recovery of small Debts out of Court before a single Justice of the Peace was this 31st May 1715 Read and assented to by the House of Delegates and

Signed p Order Tho^s Macnemara Clk. Ho. Del.

An ingrossed Bill for Direction of Sheriffs in their Offices and restraining their ill Practices within this Province was this 31st May 1715 Read and assented to by the House of Delegates and

Signed p Order Tho^s Macnemara Cl. Ho. Del.

The foregoing three ingrossed Bills are sent up to the Hoñble Council by M^r Turbutt and M^r Clayton

They return and say they delivered the Bills

Ordered That M^r Vachel Denton be allowed in the publick Levy 20/. as a Gratuity for his own proper Use over and above the Allowance made him this Sessions for his extraor-

dinary Service done this Sessions in ingrossing the Laws for L. H. J. Probat of Wills and granting Administrations

Ordered That Major Bradford make a Present in the Name of this Province to Capt John and two other Indians to the Value of 30/. for their Services and Fidelity to this Province and that he be allowed for the same in the next Levy.

Resolved That M^r Alexander Parran has departed in Con- P. 578 tempt of this House and therefore he ought to answer for the same at the next Sessions of Assembly

The House adjourns till one O'Clock in the Afternoon.

Tuesday Afternoon

The House met according to Adjournment. Present as in the Morning.

On the humble Petition of William Bladen Clerk of the Hon^{ble} Council praying that forasmuch as this has been a long and tedious Assembly and that he has had great Toil and Fatigue in dispatching the Publick Business, and has been at the Charge of employing a Clerk Assistant he may be allowed therefor,

It is ordered that the said W Bladen be allowed the Sum of three thousand Pounds of Tobacco at the laying of the next publick Levy for his Assistant

A Bill for Relief of Ezekiel Parr of Cecil County was read the first & second Time by especial Order and will pass and so indorsed.

The same is sent up to the Hon^{ble} Council by M^r Wright & M^r Clayton.

They return and say they delivered the Bill

An ingrossed Bill providing what shall be good Evidences to prove foreign and other Debts and to prevent vexatious and unnecessary Suits at Law & pleading Discounts in Bar brought down in the Morning by M^r Robins from the Committee of Laws was this 31st Day of May 1715 Read and assented to by the House of Delegates and

Signed p Order Tho^s Macnemara Cl. Ho. Del.

The same is sent up to the Hon^{ble} Council by Major Philips and M^r Stone

They return and say they delivered the Bill

The House adjourns till to Morrow Morning Seven O'Clock.

L. H. J.

Wednesday Morning 1st June 1715

The House met according to Adjournment. Present as on Yesterday.

Then was read the Proceedings of this House on Yesterday.

M^r Solomon Clayton a Member for Queen Ann's County being indisposed is excused from his further Attendance this Sessions.

On a Motion made the Question is put whether a Proposal ought to be made to my Lord Baltimore for a further Advance on every Hhd of Tob^o being of the Gauge of thirty two Inches of the Diameter of the Head within the Crosse, not exceeding thirty seven Inches in the Bulge and forty Eight Inches in the Length of the Stave, over and above twelve Pence p Hhd formerly an Impost to the Lord Baltimore deceased in Consideration of his accepting of his Rents and Fines for Alienation in Tobacco at two Pence Sterling p lb during his natural Life as his Noble Father was wont? And is Resolved in the Affirmative by Majority of Votes. Then the Question is put how much that further Advance shall be?

P. 579 And resolved it be six Pence which in all will make an Imposition of Eighteen Pence p Hhd to the Lord Proprietary the Hhds being of the said Gauge of thirty two Inches in the Head within the Crosse, not exceeding thirty seven Inches in the Bulge, and forty Eight Inches in the Stave Provided that on such Tobacco being taken or lost at Sea for which such Imposition was paid the Proprietor may Ship as much free from any such Imposition and from any other whatsoever imposed by the Laws.

L^t Col^o Richard Tilghman from the Hon^{ble} Council acquaints M^r Speaker that the Hon^{ble} Council had agreed and assented to the three following ingrossed Bills on the 31st Day of May 1715.

An ingrossed Bill for the Speedy Recovery of small Debts out of Court before a single Justice of the Peace

An ingrossed Bill for the Direction of Sheriffs in their Offices and restraining their ill Practices in this Province.

An ingrossed Bill providing what shall be good Evidences to prove foreign and other Debts and to prevent vexatious and unnecessary Suits at Law and pleading Discounts in Bar.

The following is prepared in Answer to his Excellency's Letter about my Lord Baltimore's Rents and ordered to be entered Viz.

By the House of Delegates
June the first 1715

L. H. J.

May it please your Excellency,

We heartily condole the Loss of our late Lord Propry not only as a generous Landlord, but a general Friend to this Province.

We likewise congratulate his present Lordship on the Descént of his Propship upon him to whom we wish a long and happy Enjoyment of it and assure your Excellency it is no small Satisfaction to us to find that on his late Lordship's Decease he is succeeded by a Protestant Son of that great Character your Excy has always given him ; nor can we be unmindful of your Excellency's Care and Favour towards us in so speedily communicating to us the Opportunity your Excellency has of making us easy in the Affair of our Land Rents which is of so great Concern to his Lordship and this Province ; for which we return your Excellency our most hearty Thanks. And since your Excellency has been pleased to intimate his Lordship does not design to stand to the Agreement formerly made with his Ancestors in that Respect as the Case of Tob^o Hhds now stands: We humbly propose to lay an Impost of 18^d St^r p Hhd. being of the Gauge of 32 Inches in the Head within the Crose, not exceeding 37 Inches in the Bulge and 48 Inches in the Length of the Stave for his Majesty towards defraying the publick Charge of this Province which we resolve to apply to his Lordship's use if p. 580 his Lordship will be pleased to accept thereof as an Equivalent for taking his Land-Rents and Fines for Alienations within this Province (as his Noble Father did) in Tobacco at two Pence Sterling p Pound during his natural Life, and humbly pray your Excellency will be pleased to assist us in recommending the same to his Lordship. We persuade ourselves that his Lordship thinks it is his Interest to consult the Welfare of this Province as his noble Ancestors did ; and towards the Support of the Government we are also willing to make an Advance of three Pence Sterling p Hhd of Tobacco exported of the aforesaid Gauge in Consideration of it's being so enlarged as a just and reasonable Compensation therefor & without which the Revenue would be very much diminished & impaired and as in the former Laws to prepare a Petitionary Bill for both the same Imposts under the same Proviso as soon as your Excellency will be pleased to notify your Approbation.

Signed p Order Tho^s Macnemara Cl. Ho. Del.

The same is sent up to his Excy the Governor by M^r Tyler, Col^o Mackall, Major Wilson, Major Philips, Col^o Maxfield, M^r

L. H. J. Whittington, Major Ward, Capt. Trippe, M^r Wright, and M^r Dashield

They return and say they delivered the Message.

M^r Thomas Robins from the Committee of Laws delivers M^r Speaker a Bill declaring the Continuance of the 12^d p Hhd from the Death of the late R^t Hoⁿble Charles Lord Baltimore until the 29th Day of September next; which was read the first and second Time by especial Order in the House of Delegates and will pass & so indorsed.

The same is sent up to the Hoⁿble Council, by Major Philips, M^r Holdsworth, Major Woolford and M^r Whittington

They return and say they delivered the Bill

The House adjourns till One O'clock in the Afternoon

Wednesday Afternoon

The House met according to Adjournment. Present as in the Morning

John Hall and Philemon Lloyd Esq^r from the Hoⁿble Council deliver M^r Speaker the following Message Viz.

By his Excellency the Governor and Council in Assembly
June the 1st 1715

Gent.

On Receipt of your Message this Day by M^r Tyler & others his Excy was pleased to declare that what you have offered in Relation to my Lord Balt. in laying a Duty of Eighteen Pence p Hhd in Consideration of his Ldps taking his Rents in Tobacco at Two Pence Ster. p pound, he will transmit to his Ldp. when past into a Law and will endeavour to lay the p^{re}sent Circumstances of Maryland concerning his Ldps Rents in so clear a View as he hopes may give Satisfaction both to my Lord and the People who hold Lands under his Ldp. and is pleased further to assure you, that his Ldp. has often done him the Honour to express himself with great Tenderness for the Welfare of this Province. And as his Lordship is a Person of a very distinguishing Judgment you may expect every Thing in Reason you can desire from his Favour. As to the other Part of your Message and particularly in Relation to the advance of the Revenue towards Support of Governm^t this Board do agree thereto and concur the Gauge of the Bulge of Tob^o Hhds be expressed of 36 Inches or under not exceeding 37 on any Accident or Pretence whatsoever.

Signed p Order W Bladen Cl. Council.

With which the House concurs and ordered a Bill be prepared and brought in accordingly. L. H. J.

L^t Col^o Samuel Young from the Hon^{ble} Council delivers M^r Speaker a Bill declaring the Continuance of the Payment of the 12^d p Hhd from the Death of the late Rt. Hon^{ble} Charles Lord Baltimore until the 29th Day of September next thus indorsed Viz.

By his Majesty's Council in Assembly.

June 1st 1715

Read the first and second Time by especial Order and will pass &

Signed p Order W Bladen Clk Council.

Eodem Die.

Read again in the House of Delegates & past for ingrossing.

M^r Thomas Robins from the Committee of Laws delivers M^r Speaker an ingrossed Bill declaring the continuance of the 12^d p Hhd. from the Death of the R^t Hon^{ble} Charles Lord Baltimore until the 29th Day of September next, which was the 1st Day of June 1715

Read and assented to by the House of Delegates &

Signed p Order Tho^s Macnemara Clk. Ho. Del.

The same is sent up to the Hon^{ble} Council by Capt. Colgate & M^r Baker

They return and say they delivered the Bill.

Col^o William Holland from the Hon^{ble} Council acquaints M^r Speaker that the Hon^{ble} Council assented and agreed to the following ingrossed Bill on the 30th Day of May 1715.

An ingrossed Bill ascertaining the Bounds of Land within this Province.

Also the said Col^o Holland acquaints M^r Speaker that the Hon^{ble} Council had agreed and assented to the following ingrossed Bill on the first Day of June 1715

An ingrossed Bill declaring the Continuance of the Payment of the 12^d p Hhd from the Death of the late R^t Hon^{ble} Charles Lord Baltimore until the 29th of Sept^r next.

Col^o William Holland from the Hon^{ble} Council delivers M^r Speaker the two following Bills.

A Bill for Relief of Ezekiel Parr of Cecil County

A Bill for Relief of Peter Sewall of Calvert County.

Also he delivers M^r Speaker the following Message Viz. p. 582

L. H. J. By his Excellency the Governor and Council in Assembly
June the 1st 1715.

On reading the Bills proposed for Relief of Peter Sewall
and Ezekiel Parr

Resolved that in Order thereto it be provided in those Bills
that in Case their Creditors do not in three Months' Time give
good Security to the respective Sheriffs of Calvert and Cecil
County in whose Custody they are for their Maintenance Viz.
at ten Pounds of Tob^o p Day besides reasonable Cloathing the
said Peter Sewall and Ezekiel Parr be by the said Sheriffs of
Calvert and Cecil Counties discharged from their Imprisonment.

Signed p Order. W Bladen Clk Council.

Thereupon the same is committed for Amendment.

The House adjourns till to Morrow Morning Seven O'Clock.

Thursday Morning 2^d June 1715.

The House met according to Adjournment. Present as on
Yesterday.

Then was read the Proceedings of this House on Yester-
day

Proposed by a Member whether it be not for the Advantage
of the County to offer his Excy a Sum of Money for the Seals
and transcribing Duplicates for Great Britain of the Laws
made and revised this Sessions Tobacco being scarce and of
great Value and the Levy like to be very heavy this Year by
Reason of the long Sitting of this Session.

The following Message was prepared thereupon and ordered
to be entered Viz.

By the House of Delegates
2^d June 1715

May it please your Excellency

The Business of this Sessions being as we hope near a
Conclusion we humbly propose for your Excellency's Accep-
tance 250 £ Ster. to be allowed in the publick Levy this Year
in Satisfaction of what shall accrue due to your Excellency
for sealing, sending, and transcribing Duplicates of all the
Laws made & revised this Sessions for Great Britain as by
your Instructions you are required. And tho' Tobacco is of
great Value we pray your Excy having a Regard to the low
Circumstances of this Province will be pleased to accept
thereof. We have made an Entry on our Journal that your

Excy shall be paid £3000 Tob^o by every County in the Province for a Copy of the said Laws when transcribed and 3000 H Tob^o for a Copy of the same for the Provincial Court to be allowed in the publick Levy besides the Fee for affixing the Seals to every such Copy and pray your Excellency's Approbation.

Signed p Order Tho^r Macnemara Cl. Ho. Del.

The same is sent up to his Excellency the Governor by Capt. Mariarte Major Wilson Capt. Ballard, M^r Whittington, M^r Vanderheyden, and M^r Warfield.

They return and say they delivered the Message.

The House adjourns till One O'Clock in the Afternoon.

Thursday Afternoon

P. 583

The House met according to Adjournment. Present as in the Morning.

M^r Foster Turbutt from the Committee of Laws delivers M^r Speaker a Bill for Relief of Ezekiel Parr of Cecil County; which was read the first and second Time by especial Order in the House of Delegates with the Amendments proposed by the Council and will pass and so indorsed.

The same is sent up to the Hoⁿble Council by Major Ward & M^r Wright

They return and say they delivered the Bill.

M^r Tasker from the Committee of Laws delivers M^r Speaker a Bill for Relief of Peter Sewall of Calvert County; which was read the first and second Time by especial Order in the House of Delegates with the Amendments proposed by the Council and will pass and so indorsed.

The same is sent up to the Hoⁿble Council by Col^o Mac-kall & M^r Holdsworth.

They return and say they delivered the Bill

M^r Thomas Robins from the Committee of Laws delivers M^r Speaker a Bill ascertaining the Gauge and Tare of Tob^o Hhds. and to prevent Cropping & defacing Tobacco taken on Board Ships or Vessels upon Freight and for laying Impositions on Tobacco p the Hhd for the Support of Government and for the encouraging Settlem^{ts} in this Province by ascertaining the Manner of paying Alienation Fines & Quit Rents to the Lord Prop^r of this Province. Which was read the first and second Time in the House of Delegates and will pass and so indorsed.

L. H. J. The same is sent up to the Hoñble Council by M^r Warfield, Capt Trippe, Major Woolford and Capt Colegate.

They return and say they delivered the Bill.

L^t Col^o Samuel Young from the Hoñble Council delivers M^r Speaker a Bill for Relief of Ezekiel Parr of Cecil County thus indorsed Viz.

By the Council in Assembly
June the 2^d 1715

Read in Council and will pass with the Amendments made.

Signed p Order W. Bladen Clerk Council.

Eodem Die.

Read again in the House of Delegates after the Amendments made and past for ingrossing

John Hall Esq^r from the Hoñble Council delivers M^r Speaker a Bill for Relief of Peter Sewal a languishing Prisoner in Calvert County thus indorsed Viz.

By the Council in Assembly
June the 2^d 1715

Read in Council and will pass with the Amendments proposed.

Signed p Order W Bladen Cl Council

Eodem Die.

Read again in the House of Delegates after the Amendments made and past for ingrossing.

Philemon Lloyd Esq^r and L^t Col^o Richard Tilghman from the Hoñble Council deliver M^r Speaker the following Message Viz.

By his Excellency the Governor and Council in Assembly
June the 2^d 1715

p. 584 Gentlemen.

In Answer to your Proposal by M^r Mariarte and others this Board do concur with your House that the Sum of two hundred and fifty Pounds Sterling be allowed in the publick Levy and paid this Year to the Keeper of the Great Seal in Satisfaction for his Dues for Sealing sending and transcribing Duplicates of all Laws made and revised this Session for Great Britain and that the several Counties of this Province pay unto the said Keeper of the Great Seal for a Copy of the said Laws when transmitted to them 3000 H Tobacco each

Signed p Order W Bladen Clk Council

The Report from the Committee of Accounts about Tobacco L. H. J. and Money paid Edward Lloyd Esq^r when President for his Attendance as a Councillor & Itinerant Charges is referred to the Consideration of next Sessions of Assembly, & Resolved that Ways and Means shall be then thought on and proposed to oblige him to refund the said Tobacco and Money.

John Hall Esq^r from the Hoⁿble Council delivers M^r Speaker the Journal of the Committee of Accounts thus indorsed Viz.

June the 2^d 1715

Read and assented to by his Excellency the Governor and his Majesty's Hoⁿble Council in Assembly

Signed p Order W Bladen Cl Council.

A Bill empowering a Committee to levy assess and apportion the publick Levy for this present Year 1715, was read the first and second Time in the House of Delegates by especial Order and will pass and so indorsed

The same is sent up to the Hoⁿble Council by Capt Dent & Capt. Trippe

They return and say they delivered the Bill.

Col^o Lloyd and Col^o Coursey from the Hoⁿble Council deliver M^r Speaker a Bill ascertaining the Gauge and Tare of Tobacco Hhds & to prevent cropping and defacing Tobacco taken on Board Ships or Vessels upon Freight and for laying Impositions on Tobacco p the Hhd. for the Support of the Government and for the encouraging Settlements in this Province by ascertaining the Manner of paying the Alienation Fines and Quit Rents to the Lord Prop^r of this Province on the Conditions therein mentioned thus indorsed Viz.

By the Honble the Council in Assembly

June the 2nd 1715

Read in Council the first and second Times by especial Order and will pass with the Amendments made

Signed p Order W Bladen Clk Council

Eodem Die.

Read again after the Amendments made and past for ingrossing

L^t Col^o Richard Tilghman from the Hoⁿble Council delivers M^r Speaker a Bill empowering a Committee to lay assess and apportion the publick Levy for this psent year 1715 thus indorsed Viz.

L. H. J.

By the Council in Assembly
June the 2^d 1715.

Read the first Time & will pass.

Signed p Order W. Bladen Clk Council.

Eodem Die.

p. 585 Read again in the House of Delegates and past for
ingrossing.

The House adjourns till to Morrow Morning Seven O'Clock.

Friday Morning 3^d June 1715

The House met according to Adjournment. Present as on
Yesterday.

Then was read the Proceedings of this House on Yesterday.

A Bill to make valid and effectual in Law all Manner of
Process and Proceedings in the several Courts of this Province
from the Demise of her late Majesty Queen Anne to this
present Time was this 3^d Day of June 1715 Read the first
and second Time by especial Order and will pass.

The same is sent up to the Hoⁿble Council by M^r Turbutt
& M^r Wright

They return and say they delivered the Bill.

Major Roger Woolford from the Committee of Laws de-
livers M^r Speaker an ingrossed Bill empowering a Committee
to lay assess and apportion the publick Levy for this p^rsent
year 1715 which was on the 3^d Day of June 1715 Read and
assented to by the House of Delegates and

Signed p Order Tho^s Macnemara Cl. Ho. Del.

Major Roger Woolford from the same Committee delivers
M^r Speaker an ingrossed Bill for Relief of Ezekiel Parr of
Cecil County which was on the 3^d Day of June 1715 Read
and assented to by the House of Delegates &

Signed p Order Tho^s Macnemara Cl. Ho. Del.

M^r Thomas Robins from the same Committee delivers M^r
Speaker an ingrossed Bill ascertaining the Gauge and Tare
of Tobacco Hhds. and to prevent cropping or defacing Tob^o
taken on Board Ships or Vessels upon Freight, and for laying
Impositions on Tobacco p the Hhd for the Support of the
Government and for the encouraging Settlements in this
Province by ascertaining the Manner of paying the Alienation
Fines & Quit Rents to the Lord Prop^ry of this Province
on the Conditions therein mentioned which was on the

3^d Day of June 1715 Read and assented to by the House L. H. J.
of Delegates &

Signed p Order Tho^s Macnemara Cl. Ho. Del.

Major Roger Woolford from the same Committee delivers
M^r Speaker an ingrossed Bill for Relief of Peter Sewall
of Calvert County which was on the 3^d Day of June 1715
Read and assented to by the House of Delegates &

Signed p Order Tho^s Macnemara Cl. Ho. Del.

The aforesaid four ingrossed Bills are sent up to the Hon^{ble}
Council by M^r Turbutt and M^r Wright.

They return and say they delivered the Bills.

The House adjourns till One O'Clock in the Afternoon

Friday Afternoon

The House met according to Adjournment. Present as in
the Morning.

L^t Col^o Richard Tilghman from the Hon^{ble} Council deliv-
ers M^r Speaker a Bill to confirm and make valid in Law all
Manner of Process and Proceedings of the several Courts of
this Province from the Death of her late Majesty Queen Anne
of pious Memory to the End of this present Sessions of Assem- p. 586
bly thus indorsed Viz.

By the Council in Assembly
June the 3^d 1715.

Read the first and second Time and will pass

Signed p Order W Bladen Clk Council.

Eodem Die.

Read again in the House of Delegates and past for
ingrossing

Major Roger Woolford from the Committee of Laws deliv-
ers M^r Speaker an ingrossed Bill to confirm and make valid
in Law all Manner of Process and Proceedings of the several
Courts of this Province from the Death of her late Majesty
Queen Anne of pious Memory to the End of this present Ses-
sions of Assembly, which was this 3^d Day of June 1715 Read
and assented to by the House of Delegates and

Signed p Order Tho^s Macnemara Cl. Ho. Del.

The same is sent up to the Hon^{ble} Council by Capt. Dent
and M^r Baker

L. H. J. They return and say they delivered the Bill

John Hall Esq^r from the Hoⁿble Council acquaints M^r Speaker that the Hoⁿble Council had agreed and assented to the five following ingrossed Bills on the third Day of June 1715.

An ingrossed Bill to lay, assess, and apportion the publick Levy for this present Year 1715

An ingrossed Bill for Relief of Ezekiel Parr of Cecil County.

An ingrossed Bill ascertaining the Gauge and Tare of Tobacco Hhds and to prevent cropping and defacing Tobacco taken on Board Ships or Vessels upon Freight, and for laying Impositions on Tobacco p the Hhd for the Support of the Government, and for encouraging Settlements in this Province by ascertaining the Manner of paying the Alienation Fines and Quit Rents to the Lord Prop^rty of this Province on the Conditions therein mentioned

An ingrossed Bill for Relief of Peter Sewall of Calvert County

An ingrossed Bill to confirm and make valid in Law all Manner of Process and Proceedings of the several Courts of this Province from the Death of her late Majesty Queen Anne of pious Memory to the End of this present Sessions of Assembly

A Bill declaring all Laws heretofore made which have been reenacted this present Sessions of Assembly to be repealed was this third Day of June 1715 in the House of Delegates Read the first and second Time by especial Order and will pass and so indorsed.

The said Bill is sent up to the Hoⁿble Council by Major Woolford & M^r Harrison

They return and say they delivered the Bill

L^t Col^o Tilghman from the Hoⁿble Council delivers M^r Speaker a Bill declaring all Laws heretofore made which have been reenacted this present Sessions of Assembly to be repealed thus indorsed.

By the Hoⁿble his Majesty's Council in Assembly
3^d June 1715

Read the first and second Time by especial Order and indorsed will pass.

Signed p Order W Bladen Cl. Ho. Del.

Eodem Die.

L. H. J.
p. 587

Read again in the House of Delegates and past for ingrossing

An ingrossed Bill declaring all Laws heretofore made which have been reenacted this present Sessions of Assembly to be repealed was on the third Day of June 1715 Read and assented to by the House of Delegates and

Signed p Order Tho^s Macnemara Cl. Ho. Del.

The same is sent up to the Hoⁿble Council by Major Woolford & Capt. Dallahide

They return and say they delivered the Bill.

L^t Col^o Richard Tilghman from the Hoⁿble Council acquaints M^r Speaker that the Hoⁿble Council had agreed and assented to the following ingrossed Bill the 3^d June 1715

An ingrossed Bill declaring all Laws heretofore made which have been reenacted this present Sessions of Assembly to be repealed.

Ordered That M^r Speaker in the Name of this House write to Col^o Blackiston Agent for this Province about the Affairs of this Province wherein his Negociation is more particularly necessary.

M^r Bordley and three more are sent to acquaint his Excellency that there is nothing lies before this House at present. They return & say they acquainted his Excy thereof.

L^t Col^o Samuel Young from the Hoⁿble Council acquaints M^r Speaker that his Excellency commands him and the whole House immediately to attend him in the Council Chamber.

Whereupon M^r Speaker and the House went to attend his Excellency accordingly where his Excellency was pleased to Enact the several Bills following into Laws by sealing them with the Great Seal of this Province and indorsing them Severally in the Manner following Viz.

On the Behalf of his Sacred Majesty King George of Great Britain &th I will this be a Law.

Jo. Hart.

Publick Laws past and amended this Sessions are as follows Viz.

An ingrossed Bill for Recognition &th

An ingrossed Bill for Importation of Bread Beer &th Horses & Mares from Pensylvania

An ingrossed Bill repealing a Clause in an Act for Establishment of Religious Worship and appointing the Oaths of Abjuration to be taken in this Province

L. H. J. An ingrossed Bill for Limitation of certain Actions and for avoiding Suits at Law

An ingrossed Bill for the publishing and recording the Laws &^{ta} and transmitting Journals of the Council in Assembly and of the House of Delegates to the Secretary's Office

An ingrossed Bill against Adultery and Fornication

An ingrossed Bill for Stay of Execution after the tenth of May Yearly

p. 588 An ingrossed Bill for granting Attachments &^{ta}

An ingrossed Bill for the better Administration of Justice in the several Courts &^{ta}

An ingrossed Bill ascertaining what Damages shall be allowed on protested Bills of Excha.

An ingrossed Bill for laying an Imposition on Negroes and on Several Sorts of Liquors imported, also on Irish Servants to prevent the importing too great a Number of Irish Papists into this Province

An ingrossed Bill for Punishment of Blasphemy, Cursing, Swearing & Drunkenness

An ingrossed Bill rectifying the ill Practices of Attorneys &^{ta}

An ingrossed Bill for quieting Possessions, enrolling Conveyances &^{ta}

An ingrossed Bill directing the Manner of electing and Summoning Delegates.

An ingrossed Bill for prohibiting all Masters of Ships and Vessels from transporting Persons without Passes out of this Province

An ingrossed Bill for Appointment of Constables &^{ta}

An ingrossed Bill relating to the Standard &^{ta}

An ingrossed Bill for securing Merchants & others Tobacco & ag^t false packing &^{ta}

An ingrossed Bill for taking Special Bail in the Provincial and County Courts.

An ingrossed Bill for ordering and regulating the Militia of this Province &^{ta}

An ingrossed Bill for appointing Court Days &^{ta}

An ingrossed Bill relating to Criminals &^{ta}

An ingrossed Bill for Encouragement of Tillage and Relief of poor Debtors.

An ingrossed Bill declaring how the forty Pounds Tob^o p Poll in such Parishes where there is no Incumbent shall be disposed of.

An ingrossed Bill against Embezzlement of Wills & Records.

An ingrossed Bill relating to Servants and Slaves

L. H. J.

An ingrossed Bill for securing psons Rights to Town Lands

An ingrossed Bill for the better Adm̄n of Justice in Testamentary Affairs, granting Adm̄ns, recovering of Legacies, and securing of Filial Portions and Distribution of Intestates Estates.

An ingrossed Bill for causing Grand and Petit Jurors & Witnesses to come to the Provincial and County Courts and ascertaining their Allowances

An ingrossed Bill ascertaining the Height of Fences to prevent the Evil occasioned by the Multitude of Horses, and restraining Horse Rangers within this Province, and to redress the great Evil accruing to this Province by the Multiplicity of useless Horses and Mares & Colts that run in the Woods.

An ingrossed Bill prohibiting the carrying of Liquor to the Indian Towns, selling any Quantity of Strong Liquors to the Indians, to prevent Differences between them & his Majesty's Subjects and to punish the Transporters of any Friend Indian or Indians out of this Province p. 589

An ingrossed Bill ascertaining the Bounds of Land within this Province

An ingrossed Bill for Recovery of Small Debts out of Court before a Single Justice of the Peace

An ingrossed Bill for direction of Sheriffs in their Offices and restraining their ill Practices within this Province.

An ingrossed Bill providing what shall be good Evidences to prove foreign and other Debts and to prevent vexatious and unnecessary Suits at Law and pleading Discounts in Bar.

An ingrossed Bill declaring the Continuance of the 12^d p Hhd from the Death of the late R^t Hon^{ble} Charles Lord Baltimore until the 29th of September next.

An ingrossed Bill ascertaining the Tare and Gauge of Tob^o Hhds and to prevent cropping and defacing Tobacco taken on Board Ships or Vessels upon Freight and for laying Impositions on Tobacco p the Hhd. for the Support of Government and for encouraging Settlements in this Province by ascertaining the Manner of paying the Alienation Fines and Quit Rents to the Lord Proprietary of this Province on the Conditions therein mentioned.

An ingrossed Bill to confirm and make valid in Law all manner of Process and Proceedings in the Several Courts of this Province from the Death of her late Majesty Queen Anne of pious Memory to the End of this present Sessions of Assembly.

L. H. J. An ingrossed Bill empowering a Committee to lay, assess and apportion the publick Levy for this Year 1715.

An ingrossed Bill declaring all Laws heretofore made, which have been reenacted this present Session of Assembly to be repealed.

Private Laws passed in April Assembly 1715.

An ingrossed Bill for repealing an Act of Assembly intituled an Act for uniting New Port Hundred now Part of King and Queen Parish to William and Mary's Parish in Charles County and for reuniting the same to King and Queen's Parish in St Mary's County.

An ingrossed Bill for making good and valid a certain Indenture or Deed of Bargain and Sale from William Lunn, late of Ann Arundel County deceased to Thomas Larkin Gent.

An ingrossed Bill to supply certain Defects in the conveying of Lands from Matthew Beard to Stephen Wright and from Stephen Wright to Samuel Chambers of Ann Arundel County Gentleman.

p. 590 An ingrossed Bill for Naturalization of Thomas Harvey of Calvert County & his Children.

An ingrossed Bill for vesting in the Rector Governors and Visitors of Free Schools and their Successors forever a certain Lot of Land in the City of Annapolis and an House thereon erected commonly called the Kentish House and empowering the said Rector Governors and Visitors more easily to transact the Business of the said Free Schools.

An ingrossed Bill to supply an Omission in the writing the last Will and Testament of Raphael Haywood late of St Mary's County deceased and for Settling an Estate of Inheritance in fee simple on Robert Scott, Clerk and Charles Neale, Planter the Executors and Devisees in the said Will named.

An ingrossed Bill for Relief of Ezekiel Parr of Cecil County.

After which his Excellency the Governor was pleased to declare that with the Advice of his Majesty's Honble Council he thought fit to prorogue this present General Assembly till the twenty seventh Day of September next to which Time they were accordingly prorogued.

Afterwards M^r Speaker with the rest of the Members of the House of Delegates returned to their own House, and then M^r Speaker resumed the Chair and reported to the House that his Excellency the Governor with the Advice of his Majesty's Honble Council had prorogued this present General Assembly till the twenty seventh Day of September next. To which Time this House prorogues itself.

So endeth this present Sessions of Assembly being the L. H. J
Session on the third Day of June 1715

p Tho^s Macnemara Clk.

July 27th 1768

Ann Arundel County ss.

Then John Duckett made oath on the Holy Evangels of Almighty God that he carefully read over the Books containing Votes and Proceedings of the Lower House of Assembly from the Year Seventeen hundred and four, until the Year seven-teen hundred and fifteen Inclusive from whence this Book was Transcribed, and at the same time Basil Wheeler made Oath That he carefully looked over and Examined the Same, & tha they verily believe this to be a true Copy taken therefrom.

Sworn before R Ghiselin

ACTS.

Maryland ss.

C. P.
p. 1

Att a Session of Assembly begun and held at the City of Annapolis the twenty sixth day of Ap^l in the first year of the Reigne of our Sovereigne Lord George by the Grace of God of Great Brittain France and Ireland King Defender of the faith &c Annoq Dom. 1715, His Excellency John Hart Esq^r being Governour The following Laws were Enacted.

A most Joyfull and Just Recognition of the Immediate Lawfull and Undoubted Succession and right of the Crown of Great Brittain and of the Kingdom's and Dominions thereunto belonging.

To the Kings most Excell^t Maj^{ty},

Wee your Maj^{ty} most Humble and Loyall Subjects of this your Province of Maryland your Maj^{ty} Governor Councill and the Delegates of the Sev^l Countys and Cityzens in this present Gen^l Assembly now Convened Acknowledging with a most thankfull and Joyfull sence the Inestimable Blessing Almighty God has Vouchsafed to your Maj^{ty} Kingdome of Great Brittain and the Dominions thereto belonging in Soe happily preserving your most Sacred person and peaceably Seating you on the Throne of your Royall Ancestors and not only Soe but in Blessing your Majesty with a most Royall progeny of most Excellent and rare Guifts and Virtues Especially the three Noble and Illustrious George Prince of Wales your Highnesses most Noble Son and his Children (so rare and Invaluable a blessing to us and all your Maj^{ty} Snbjects) doe from the bothom of Our Hearts yield the Divine Maj^{ty} all Humble thanks and praises for the said inestimable Benefitts and blessings and doe beseech your most Excellent Majesty that it may be published and Declared by your Maj^{ty} Gov^r and Councill and Assembly of this province and Enacted by the Authority of the same that wee being bounden thereto by the Laws of God and Man Doe Recognize and Acknowledge and hereby Express our Unspeakable Joys that Immediately upon the Dissolution and Decease of Our Late Sovereigne Lady Queen Anne of Pious Memory the Imperiall Crown of the Realme of Great Brittain and of all the Kingdoms Dominions and rights belonging to the same did by Lawfull and undoubted Succession in the true protestant Line appertaine and of Right

p. 2

C. P. belong to your most Sacred Maj^{ty} and that you are and of
 p. 3 Right ought to be by the Laws of your Realme of Great Brit-
 taine our most Gracious Sovereige Leige Lord George by the
 Grace of God of Great Brittain ffrance and Ireland King
 Defend^r of the faith &c In and to whose princely person and
 progeny your Successors in the protestant Line as by Law
 Established the Royall Estate Crown and Dignity of the af^d
 Realmes and Do^mns with all Hon^{rs} Stiles Titles Regalities
 Prerogatives Powers Jurisdictiōns and Authorities to the same
 belonging are most fully Lawfully and Intirely Invested and
 Incorporated United and forever Annexed And thereunto wee
 most Humbly and faithfully doe Submitt and Oblige Ourselves
 our heirs and posterity forever untill the Last drop of our
 blood be spent and doe beseech your Maj^{ty} to Accept hereof
 as the first fruits in this Gen^l Assembly of Our Loyalty and
 faith to your Maj^{ty} and your Royall progeny forever.

May the 4th 1715

On the Behalfe of our Sovereigne Lord George by the
 Grace of God of Great Brittain ffrance and Ireland King
 Defender of the faith &c I will this be a Law

Jo: Hart

p. 4 An Act prohibiting the Importation of bread beer flower,
 Mault, wheat, or other Indian or English Graine or Meale
 Horses Mares Colts or ffilleys from Pensilvania and the
 Territory's thereto belonging

Bee it Enacted by the Kings most Excell^t Maj^{ty} and with
 the Advice and Consent of his Majestys Govern^r Councill and
 Assembly of this province and the Authority of the same that
 from and after the end of this Session of Assembly it shall not
 be Lawfull for any pson or psons whatsoever to Import or
 Cause to be Imported from the province of Pensilvania or the
 Territorys thereto belonging or from any other plantacōn or
 Province or Colony in this Continent in America into any part
 of this province by Land or by Water any Quantity or Quan-
 titys of Bread, Beer, fflower, Mault, Wheat, or other English
 or Indian Graine or Meale Horse or Horses Mare or Mares
 nor any Colt ffilley or Tob^o (Except Tob^o from Virginia to
 this place for Loading Ships) on pain and penalty that who-
 soever shall Import Contrary to this Act any the things af^d
 shall loose and fforfeit the same one halfe to his Maj^{ty} his heirs

p. 5 and Successors for the Support of the Governm^t of this prov-
 ince the Other halfe to him or them that shall Seize or Give
 Information of the Same whereby they may be seized.

And be it further Enacted by the Authority a^d by and with c. p. the Advice and Consent a^d That Every Justice of Peace in this province in his proper County And Every Navall Officer and Collector in or out of his District and Every Constable or Constables in his or their Sevⁿ and respective hundreds and Every Church Warden or Church Wardens in his or their Sevⁿ and respective Parishes by Vertue of their Offices and this Act may Lawfully seize such Goods and things as they find Imported Contrary to this Act And if any private person being none of the Officers a^d shall Discover any such Goods or things so Unlawfully Imported he shall Informe the next Justice of the Peace who is hereby Enjoyned and Comanded under the Penalty of One thousand pounds of Tob^o to be forfeited to the Use a^d to Direct a precept to the next Constable or Constables of such Hundred where such things are Supposed to be Concealed thereby Comanding at the request of such Informer to make search for such things as a^d Unlawfully Imported where such Informer shall Direct and the same having found to Seize and secure for the Use of his Maj^{ty} and Informer a^d and the same to keep for ten days in which time p. 6 if the Owner thereof or the pson in whose pssession found doe not Cause the same to be replevied and find Sufficient Securitys to returne the Goods if it be found they were Unlawfully Imported then the Officer that Seized them shall Deliver the said Goods to the Sher who is hereby Enjoyn'd to make Saile of them for the Use of his Maj^{ty} and the Informer or Seizer.

And be it further Enacted by the Authority a^d that the Onus probandi shall be on the part of him that Causes the same to be replevied to make it appear in any Court of Record in this province that such things Seized as a^d are not Lyable to Seizure as a^d which if he doe he shall be quitt and Carry his Goods away but if he doe not the Seizer shall have Judgm^t to have the Goods and things by him soe Seized Returned one halfe thereof to be Delivered to the Informer and the Other halfe to remaine in the Custody of the Sher. for the Kings use.

Provided that the said Act or anything therein Contained shall not Extend or be Construed to Extend to any horse or p. 7 Horses brought into this province by Travellers for their Own use only and not Intended for saile nor to any pson or psons that shall remove themselves into this province with their ffamily in Order to Settle here nor to Comanders of any of his Maj^{ty} Ships of Warr in purchaseing or Importing bread beer fflower or any manner of English or Indian Graine Towards the Supplying their said Vessells and not Otherwise Anything in the a^d Act to the Contrary Notwithstanding.

- C. P. An Act for repealing a Clause in an Act of Assembly Entituled an Act for Establishm^t of Religious Worship in this province &c And also for appointing the Oaths of Abjuration to be taken in this province.

Forasmuch as the pretended Prince of Wales hath for some time and doth Continue to Assume to himselfe the Title of King of England and the Dominions thereto belonging by the Name of James the Third Therefore for the better security of his Maj^{ty} in his Just rights and Sovereignty in and Over the province of Maryland and for Extinguishing all hopes of the ffrriends and Adherents of the said pretended prince,

- p. 8 Bee it Enacted by the Kings most Excell^t Majesty by and with the Advice and Consent of his Majestys Govern^r Councill and Assembly of this Province and the Authority of the same that from and after the Conclusion of this p^rsent sessions of Assembly the Oath of Abjuration shall be administred to all persons that allready have or shall hereafter be Admitted to have or Enjoy any Office or place of trust within this province in such manner and forme as is herein after recited (that is to say)—I, A. B. Doe truly and Sincerely Acknowledge profess Testifie and Declare in my Conscience before God and the world that our Sovereigne Lord King George is Lawfull and rightfull King of the Realme of Great Brittain and of all other his Majesties Dominions and Countrys thereto belonging and I Doe Solemnly and sincerely Declare that I Doe believe in my Conscience that the p^rson pretended to be Prince of Wales dureing the Life of the Late King James and since his Decease pretending to be and taking upon himselfe the Stile and title of King of England by
- p. 9 the name of James the third hath not any right or Title whatsoever to the Crown of the Realm of Great Brittain ffrance Or any other of the Dominions Thereunto belonging and I Doe renounce refuse and Abjure any Allegiance or Obedience to him and I Doe Swear that I will bear faith and true Allegiance to his Majesty King George and him will Defend to the Utmost of my power against all Traiterous Conspiracies and Attempts whatsoever which shall be made ag^t his person Crown or Dignity and I will doe my best Endeavour to Disclose and make known to his Maj^{ty} and his Successors all treasons and traiterous Conspiracies which I shall know to be ag^t him or any of them and I Doe faithfully promise to the Utmost of my Power to Support Maintaine and Defend the Limitation and Succession of the Crown ag^t him the said James and all other p^rsons whatsoever as the same is and Stands Limited by an Act Entituled an Act declaring the rights and Liberties of the Subject and Settling

the Succession of the Crown to her present Maj^{ty} and the C. P. heirs of her body being protestants And as the same by one Other Act Entituled an Act for the further Limittation of the Crown and better secureing the rights and Liberties of the Subject is and stands Limited after the Decease of her Maj^{ty} and for Default of Issue of her Maj^{ty} to the princess Sophia Electress and Dutchess Dowager of Hanover and the heirs of her body being protestants And all these things I Doe plainly & Sincerely Acknowledge And Swear According to these Express words by me Spoken and According to the plain and Comon Sence and understanding of the same words without any Equivocation or Mentall Evasion or Secrett reservation whatsoever and I Doe make this Recognition Acknowledgem^t Abjuration Renunciation and promise heartily willingly and truly upon the true faith of a Christian. So help me God

And that without the takeing and Subscribing which Oath no pson shall be Capable of holding Executeing or Enjoying any Office or Trust within this Province Whatsoever.

And whereas by An Act of the Gen^l Assembly of this province made the Sixteenth Day of March in the year of Our Lord one thous^d Seven hundred and one Entituled an Act for Establishm^t of Religious Worship in this pvince &c it was Enacted that all Vestry men should subscribe the Association before they should be Admitted to the Execution of that Office,

But forasmuch as by the Death of his most sacred Maj^{ty} King William the third the Subscribing the said Association is not Necessary to be Longer Continued,

Bee it therefore Enacted that such part thereof And Clause in the before recited Act of Assembly which relates to the Vestry mens Subscribing the Association and no more is hereby repealed and Declared Void

And it is further Enacted by the Authority and Consent a^d that all and Every pson and psons that are at this p^{re}sent time Vestry men in this province and all Other pson or psons that for the time to Come shall be Elected or Chosen Vestrymen shall take the before recited Oath of Abjuration And that it be Administred unto them According to the formes and methods prescribed in the a^d Act of Assembly for takeing the oaths therein required to be taken And after the takeing such Oath the pson soe Elected or Chosen shall be Deemed and taken as one of the Vestry and not before.

An Act for Limittation of Certaine Actions for Avoiding Suits att Law.

fforasmuch as nothing can be more Essentiall to the Peace

c. P. and Tranquility of this province then the Quietting the Estates of the Inhabit^{ts} thereof And for the Effecting of which no better measures can be taken then a Limitation of time for the Comencing such Actions as in the Sev^l and Respective Courts within this province are brought from the time of the Cause of Such Actions Accrueing,

Be itt Enacted by the Kings most Excellent Majesty by and with the Advice and Consent of his Majestys Govern^r Councill and Assembly of this province and the Authority of the same that all actions of Tresspass Quare Clausum fregit all Actions of Tresspass Detinue Sur-trover or Replevin for takeing away goods or Chattles all actions of Accounts Contract Debt book or upon the Case other then such Accoumpts as Concernes the Trade of Merchandize between Merchant and Merchant their factors and Servants which are not Residents within this province all Actions of Debt for Lending or Contract without Specialty all Actions of Debt for Arrearages of Rent all Actions
p. 13 of Assault Menaces Battery wounding and Imprisonment or any of them shall be sued or brought by any pson or psons within this province at any time after the end of this present sessions of Assembly shall be Comenced or sued within the Time and Limittation hereafter Expressed and not after (that is to say the said Actions of Account and the said Actions upon the Case upon Simple Contract book Debt or Acc^t and the said Actions for Debt Detinue or replevin for goods and Chattells and the said Actions for tresspass Quare Clausum fregit within three years Ensueing the Cause of such Action and not after And the said Actions of the Case for words and Actions of Tresspass of Assault battery wounding and Imprisonm^t or Any of them within one year from the time of the Cause of such Action Accrueing and not after)

And be itt further Enacted by the Authority a^d that if any Person Entituled to any the Action or Actions a^d shall be at the time of any such Cause of Action Accrueing within the age of One and twenty years feme Covert non Compos mentis Imprisoned or beyond the Seas that then such pson
p. 14 or psons shall be att Liberty to bring the said Action or Actions within the respective times before Limited after there Comeing to or being of full age Sound Memory att Large or returned from beyond the Seas as other psons having no such Impedim^t might or should have Done.

And fforasmuch as Diverse Disputes formerly arose whether psons Absenting the Province or Wandering from County to County untill the time by the Late Act for the Reasons and purposes a^d Limited and Allowed were Expired should have and benefitt thereby and Different Judgm^{ts} given

thereon in the sevⁿ and respective Counties within this C. P. province for that the said Act was altogether Silent,

Be it therefore Enacted by the Authority a^d that from and after the publication hereof no p^{erson} or p^{ersons} whatsoever absenting themselves out of this p^{rovince} or that shall remove from County to County after any Debt Contracted whereby the Creditor or Creditors may be at an Uncertainty of finding out the said p^{erson} or p^{ersons} or his or their Effects shall have any benefitt by the Limittation or restriction in this Act Specified

Provided always and it is the true Intent and Meaning p. 15 hereof that this Act or anything herein Contained shall not be Construed reputed or taken to prejudice or Debarr any p^{erson} removing himselfe or family from one County to Another for his Conveniency or any p^{erson} Leaving this p^{rovince} for the time and terme in this Act Limited from the benefitt thereof he Leaving Effects Sufficient & known for the paym^t of his Just Debts in the hands of some p^{erson} or p^{ersons} who will assume the paym^t thereof to his Creditors Anything in this Act Contained to the Contrary hereof in any wise notwithstanding, And

Be it further Enacted by the Authority a^d by and with the advice and Consent a^d that no bill bond Judgm^t Recognizance Statute Merchant or of the Staple or Other Specialty whatsoever Except such as shall be taken in the name and for the use of our Sovereigne Lord and King his heirs and Successors shall be good and pleadable or Admitted in Evidence against p. 16 any p^{erson} or p^{ersons} of this p^{rovince} after the principall Debt^r and Credittor have been both Dead Twelve years or the Debt or thing in Action above Twelve years Standing Saving to all p^{ersons} that shall be under the aforementioned Impediments of Infancy Coverture Insanity of Mind Imprisonm^t or being beyond the Sea the full benefitt of all such bills bonds Judgm^t Recognizances Statute Merch^t of or of the Staple or other Specialtys for the space of five years after such Impedim^t removed any thing in this Act before mentioned to the Contrary notwithstanding.

An Act for the publication of all the Laws of this Province and for the Recording the same in the Secretarys Office as also for Transmitting the Journalls of the Councill in Assembly and of the house of Delegates into the said Office.

To the End that no person may be Ignorant of the Laws p. 17 in this province,

Be it Enacted by the Kings most Excellent Maj^{ty} by and

c. p. with the Advice and Cons^t of his Majestys Govern^r Councill and Assembly of this province and the Authority of the same that from hence forward all the Acts that shall pass from this and all the Succeeding Assemblys shall be from time to time fairly Transcribed on parchm^t and for want thereof on good paper with a parchm^t Cover and by writt under the great Seale of this province from time to time by the Keeper of the Seale for the time being to the Sher of Each respective County shall be transmitted and commandm^t to them in the said writt shall be given the said Acts in the Sevⁿ and respective Countys att their next County Court to publish and proclaime firmly to be Observed and kept and Lodged with the Clerk of Each respective Court for the use thereof.

And be it further Enacted by the Authority af^d that Every Sevⁿ and respective County shall from time to time pay to the Chancellor for the time being for such Transcript of the Laws so much Tob^o as by the said Genⁿ Assembly in which the said
 p. 18 Laws are made shall be Assessed and Allowed—Provided always that because there is noe Parchment now to be had in the Province for Transcribing the Laws of this present Sessions to be sent to the Counties that for this Sessions only good Paper shall be Accepted to transcribe the Sevⁿ Laws therein

And be itt further Enacted by the Authority af^d by and with the Advice and Consent af^d that all the Acts of Assembly which shall be Enacted this present Sessions and all the Succeeding Sessions of Assembly shall within ten days after the End of Each Sessions be transmitted into the Secretaries Office and the Secretary for the time being shall upon receipt of the said Acts into his Office cause the said Acts to be Entred upon Record in a Very fair Legible hand and in a Good Substantiall book bound with Leather or parchment Cover with Large Margins and also Alphabett the said book in good Order and Affix the seale of his Office thereto and the Clerk or Clerks that doe record the said Acts shall make oath before the Govern^r of this province for the time being or before one of his Majestys Councill or two of the Justices of the Provinciaall Court that he or they have Carefully Examined the records
 p. 19 of the said Acts by the Originall Acts which have passed the Great Seale all which shall be Done within Six months Successively after the End of Each Session.

And in Case the Secretary shall not pursue the Directions of this Act but shall make Default he shall forfeit the Summe of ten thousand pounds of Tob^o for every such Neglect the one halfe to his Maj^{ty} his heirs and Successors for the Support of the Government of this province and the Other halfe to the

Informer or him or them that shall sue for the same to be recovered in Any Court of Record within this province by bill plaint or Informacōn wherein no Essoyne protection or wager of Law to be allowed C. P.

And be it Enacted by the Authority a^d that the Clerk of the Councill in Assembly for the time being and the Clerk of the house of Delegates for the time being shall Transcribe the respective Journalls of the Councill in Assembly and of the said house into two Sevⁿ faire books and in a good fair Legible Character within two months after the End of Each Sessions and shall Transmitt the same soe Subscribed into the Secretaries Office there to remaine and the Secretary is required by this Act to receive the same Accordingly and the Clerk or Clerks making Default shall forfeit five hundred pounds of Tob^o Each for Every such Offence the one halfe to his Majesty his heirs and Successors for the Support of Government of this province and the other halfe to him or them that shall sue for the same to be recovered as a^d p. 20

And be it Enacted by the Authority a^d by and with the Advice and Consent a^d that the Secretary shall be allowed for recording the said Act in the publick Levy soe much as the Gen^l Assembly shall think the said Secretary shall reasonably Deserve

An Act for the punishing of the Offences of Adultery and fornication.

Bee itt Enacted by the Kings most Excell^t Majesty by and with the advice and Consent of his Majestys Govern^r Councill and Assembly of this province and the Authority of the same that after the end of this Session of Assembly whosoever shall Directly or Indirectly Entertaine provide for or Cause to be Entertained or provided for any Lewed Woman or Women or that shall frequent her or their Company after that Admonition to him or them be given by the Minister or the Vestry or the Church Warden or Church Wardens of the parish where such persons shall Inhabitt shall be adjudged a fornicator or Adulterer as the Case shall be and shall suffer such Penalties as by this Law is hereafter Appointed p. 21

And be itt further Enacted by the Authority Advice and Consent a^d that Every pson or psons that shall Comitt fornication and be thereof Convict in the Provinciall or County Court either by Confession or Verdict of twelve men shall be fined thirty shillings Curr^t mony of this province or Six hundred pounds of Tob^o by the Justice before whome such Conviction shall be to the Kings Maj^{ty} his heirs and Successors for the Support of the County Charge.

C. P. And be it Enacted by the Authority Advice and Consent
 a^d that Every pson or psons that shall Comitt Adultery and
 that shall be thereof Convict Either by Confession or Verdict
 of twelve men in the provinciall or any of the County Courts
 of this pvince shall be fined by the Justices before whome
 such Conviction shall be three pound Curr^t mony as a^d or
 twelve hundred pounds of Tob^o to the Kings Maj^{ty} his heirs
 and Successors Towards Defraying such County Charge as
 a^d And in Case the said Offenders or any of them shall not
 have wherewith to pay the Sevⁿ fines by this Act Imposed
 p. 22 then the said Offenders shall be Adjudged to suffer Corporall
 punishm^t by whipping upon his or their bare bodys 'till the
 blood Doe appear soe many Stripes not Exceeding thirty
 nine as the Justices before whome such Conviction shall be
 shall Adjudge.

Provided that this Act shall not be Construed to Extend as
 to the fine for Women who have bastards And Doe refuse to
 Discover the father or begetter of such Children but that in
 such Cases it shall be in the Discretion of the Justices before
 whome such Woman or Women shall be Convicted Either to
 take the fine by this Act Appointed or to Award Corporall
 punishm^t anything in this Act before to the Contrary Not-
 withstanding. And for the Ascertainning what Women shall
 be Accounted Lewd,

Bee it Enacted by the Authority a^d by and with the Advice
 and Consent a^d that it shall and may be Lawfull for the
 Minister Vestry and Church wardens of any parish where
 there is a Minister And for the Vestry and Church Wardens
 where there is no Minister before any Admonition by them
 or any of them given in pursuance of the Directions Afore-
 mentioned to give Notice or Cause Notice to be given to any
 p. 23 person or persons by them or the Major part of them sus-
 pected of Lewdness or Incontinency and being or residing
 within their respective Parishes to Appear before them or the
 Major part of them att such time and place as they or the
 Major part of them shall appoint And on Appearance of such
 person or psons to acquaint them of the Suspicion that is had
 of them and to hear what reasonable Excuse such psons shall
 Offer why they ought not to be proceeded ag^t According to
 Law as ffornicators or Adulterers as the Case shall happen
 and in Case the pson or psons having such Notice given
 them shall not appear According to such Notice given them
 on Affidavitt of such Notice given or Appearing doe not Excuse
 or Acquit themselves of the grounds of such Suspicion in such
 Manner as such Ministers Vestry and Church Wardens as
 a^d shall Approve that then it shall and may be Lawfull for

such Minister Vestry and Church Wardens or the Major part C. P.
of them as a^d And they are hereby required to Admonish
such person or persons According to the Directions aforemen-
tioned which Admonition together with proove of the Cohabi-
tion of the parties soe Admonished or their frequenting the
Company of Each Other Contrary to and after such Admoni-
tion given shall be sufficient Evidence in any Court of this
province to Convict the persons soe Cohabitting or frequenting p. 24
each others Company after Admonition given as a^d of florni-
cation or Adultery as the Case shall happen and subject them
to the penalties aforementioned any Law Statute or Custome
to the Contrary Notwithstanding.

An Act for stay of Execution after the tenth of May Yearly

Whereas many of the Inhabitants of this pvince are and
have been Exceedingly Grieved and burthened by Executions
Laid upon them in the Sumer time when it is not Possible for
them to procure Effects for the payment and Satisfaction of
their Creditors by means whereof they are often times kept
in Prison a long time and thereby Disabled from making and
Tending their Cropps to the great prejudice if not ruin of
many the Inhabitants of this Province being thereby Left
destitute of any means to Satisfie their Creditors for preven-
tion whereof for the fluture,

Be it Enacted by the Kings most Excell^t Maj^{ty} by and with
the Advice and Consent of his Maj^{ty}s Govern^r Councill and
Assembly of this province and the Authority of the same that
after the tenth day of May in Any year no Execution shall p. 25
Issue Out of any Court of this province against the body or
goods of any pson or persons Inhabitting within this province till
the tenth day of November next or untill the tenth day of
Nov^r in any year Ensueing for any Debt or Debts or upon
any Action Judgm^t or Judgments sued had or recovered ag^t
the Inhabitants of or within this Province in the Provincia^ll or
any Count^y Courts of this Province for any Cause Matter or
thing whatsoever Provided such person or persons against
whome any such Judgm^t is Obtained together with two other
persons such as the Justices shall approve of Come before one
Justice or more of the provincia^ll Court or two Justices or
more of the respective Count^y Courts where such Judgm^t is
Obtained as a^d And shall Confess Judgm^t for his Debt and
Costs of Suit Adjudged with Stay of Execution till the tenth
day of Nov^r next for this p^rsent year or untill the tenth day
of Novem^r in any other year next following which Confession
is to be made in manner and forme following that is to say

C. P. you H : M : A : B and C, D, Doe Confess Judgment to E : F: for the sume of which sume was recovered by the said E. F. against H. M. on the Day of in the Court
p. 26 the said to be Levied of your bodies goods or Chattles Lands or Tenements for the Use of the said E. F. in Case the said H. M. shall not pay and satisfie to the said E. F. the said so as af^d recovered against him with the Additionall Costs thereon on the tenth day of Nov^r Next which Confession is to be Signed by the Justice or Justices before whome such Confession is to be made and thereof procure Certificate under the hand of the same Justice or Justices before whome such Judgmt shall be Confest and such Certificate shall be a sufficient supersedeas to the Sher to forbear Serving Execution upon the body or Goods of the pson soe Obtaining such Certificate and if the party be taken in Execution before such Certificate be produced then such Certificate being Obtained afterwards as af^d shall be a sufficient Supersedeas to the Sher to release such pson out of prison upon that Execution the party paying or giving Security to such Sher. for his Due ffees for that Imprisonment and the Justice or Justices before whome such Judgm^t shall be Confest as af^d shall return the Judgm^t soe Confest to the Clks of the respective Courts where the first Judgm^t was Obtained to be Entred upon Record for which Entry the Clerk shall receive as a ffee five
p. 27 pounds of tob^o and no more and that after the said tenth day of Nov^r it shall be Lawfull to take out Execution upon the Judgm^t confest as af^d without any Scire facias or any other Delay ag^t Either the principall or the Security or all or Either of them for such Judgement soe Confest as af^d Any Law Usage or Custome to the Contrary in any wise notwithstanding.

And be it further Enacted by the Authority af^d that the president or two Justices of any County Court within this province may proceed to the Staying or Superseading the Execution of any Judgm^t Rendered or to be rendered in the provinⁿ Court as fully and Effectually to all Intents Construc- tions and purposes as any Justice of the Provinⁿ Court might or ought to Doe.

An Act Directing the Manner of Sueing out Attachm^{ts} in this province and limitting the Extent of them.

Whereas it is highly Expedient to settle the manner of Pro- ceedings on Attachm^{ts} and Limitting the Extent of them and to provide w^t shall be Levied on such Attachments and Executions,

Be itt Enacted by the Kings most Excellent Maj^{ty} by and
p. 28 with the Advice and Consent of his Maj^{ty}'s Govern^r Councill

and Assembly of this province and the Authority of the same C. P. that from hence forth no Attachm^t shall Issue out of any Court of this province before a writt or Sumons be first made Out upon which writt if the party Defend^t be an Inhabit^r or Resident within this Province and the Sher. shall returne a non est Inventus one Other writt or Sumons shall thereupon in Manner af^d Issue forth against the said Defend^t and if the Sher shall upon the second Writt or Sumons returne a non est Inventus Likewise An Attachment shall and may in Manner and forme hereafter sett Down be Awarded. And in Case any Writt or Sumons shall Issue forth from any his Maj^{ty} Courts within this province against any person or persons absent out of this province in such Case upon the Returne of a non est Inventus by the Sher. on such writt or Summons and the party pltf. his leaving with the Attorney of such Absent Defend^t (if he hath left any Attorney) a Coppy of his Declaration or Short note Expressing the Cause of Action or if he hath left no Attorney then the Pltf. Leaving a Coppy of his Declaration or Shorte note Expressing the true Cause of Action att the House where the said Defend^t Absent did Last reside or Dwelt and makeing such prooffe of his Action as the said Respective Courts shall think fitt itt shall and may be Lawfull p. 29 for the Justices of the said Courts to award an Attachment against the Goods Chattles and Creditts of the said Absent Defend^t so as af^d prosecuted and not appearing to the said Action which are and shall be in the Hands and Possessions of any person or persons whatsoever (yea) even the pltf's. own hands for the Defend^t use in this Province in which said Attachm^t there shall be a Clause commanding the Sher^t of the respective Counties att the time of the Executing the said Attachm^t to make known to each pson or psons in whose hands or pssessions the said Goods Chattells and Creditts soe attached are if to him or them itt shall seeme Meet to be and appear on the returne of such Attachm^t before the Justices of the respective Courts out of which such Attachments are Issued to shew Cause why such Goods Chattells or Creditts soe Attached as af^d should not be Condemn'd and Execution thereof had and made as in other Cases of recoveries and Judgments given in Courts of Records att which day of returne of the said Attachm^t if the said Defend^t shall not then App^r nor the Garnishee in whose hands the af^d Goods Chattells and Creditts of the Defend^t were attached to shew Cause to the Contrary the respective Courts shall and may Condemn the said Goods Chattells and Creditts soe af^d Attached and p. 30 Award Execution thereof to be had and made by Capias ad Satisfaciendum fferi facias or Otherwise as in other Judgments he the said pltf soe prosecuteing as af^d giving good and

C. P. Sufficient Security before the Justices of Each respective Court to and for the use of the said Defend^t soe as af^d being not found within this province to make restitution of the said Goods Chattells or Creditts soe as af^d Condemned or the Val thereof if the Defend^t soe as af^d Prosecuted shall att any time within one year and a Day to be Accounted from the said Attachm^t Awarded Come in and Either in p^{son} or by Attorney Appear to the said Originall Action and make it appear that the said Plaint^f hath been and is Satisfyed and p^d the Debt or Demand in the said Action or shall Otherwise in Court Discount or barr the said Plaintiffe of the same or any part thereof which said Condemnation and Execution of the said goods Chattells or Creditts of the said Defend^t in the hands of the Garnishee or Garnishees as af^d had and made shall be Sufficient and pleadable in barr for the said Garnishee or Garnishees in any Action brought against him or them by the said Def^t for the same.

p 31 Provided allways that no Sherriffe shall Levy by Way of Execution as af^d ag^t the said Garnishee or Garnishees any more then the Plaintifs Debt and Costs nor ag^t any Garnishee or Garnishees then what the said Plaintife in the said Action shall make appear to the said respective Courts to be of the said Goods Chattells and Creditts of the said Defend^t in Each respective Garnishee or Garnishees hands togeather with such Costs only as the Garnishee or Garnishees shall put the Plaintiffe to by Denying him or themselves to be Indebted to such Defend^t and Contesting the Same.

Provided alsoe that no Sher. in Any County within this province shall by any Attachment or any other Execution had upon such Attachment or any other Execution whatsoever Levy Seize or take the goods and Chattells of any the Inhabitants of this Province soe far as to Deprive them of all Livelyhood for the future but that some for Necessary Maintainance Beding Gunn Ax Pott and Labourers Necessary Tools and Such like household Implements and ammunition for subsistance shall be protected from all attachments and Executions whatsoever.

p. 32 Provided alsoe that such as shall be found by Possitive prooffe or other Circumstances willfully to absent themselves or abscond in the woods or Else where from the Sher Sight whereby they Cannot be found to be brought to tryall and such alsoe as shall be absent by flight or prescription out of this province to be Averred upon Oath shall have no benefitt of any favourable Interpretation of this Law.

And be itt Enacted by the Authority af^d that from henceforth any person or persons haveing obtained a Judgm^t in any

Court of this province or that shall hereafter Obtaine any C. P. Judgm^t in any Court of this province against any person or p^{ersons} itt shall and May be Lawfull to and for the said Plaintiffe in the said Judgment att his will and pleasure instead of any Other Execution without those previous Requisites as above in this Act prescribed And Directed to take out an Attachment ag^t the Goods Chattells and Creditts of the said Defendant in the said Judgment in the said Plaintiffs own hands or in the hands of any other p^{erson} or p^{ersons} whatsoever which said Attachment shall likewise have the Clause af^d Commanding the Sherr. of the said County to whome itt shall be Directed att the time of Executeing the said Attachment to make known to such person or persons in whose hands or possession the said Goods Chattells and Creditts of the absent Defend^t shall be Attached that he or they be and Appear att the respective Courts (att the Day of the returne of the said p. 33 Attachment) to shew Cause (if they have any) why the said Goods Chattells and Creditts soe as abovesaid in their hands Attached should not be Condemned and Execution thereof had and made as in other Cases of recoverys and Judgments given in the Courts of Record att which day of the returne of the said Attachment if the said Defend^t shall not then Appear in the said Garnishee in whose hands the said Goods Chattells and Creditts of the said Defend^t were Attached to shew sufficient cause to the Contrary the said respective Courts shall & may Condemn the said Goods Chattells and Creditts af^d soe as af^d Attached and award Execution thereof to be had and made either by Capias ad Satisfaciendum fieri ffacias or otherwise as the said Plaintiffe might have had against the Defendant himselfe on the Judgment af^d which said Condemnation and Execution of such Goods Chattells and Creditts of the said Garnishee as af^d had and made shall be sufficient and pleadable in barr by the said Garnishee or Garnishees in Any Action against him or them by the said Defendant for the same.

An Act for the better Administration of Justice in the high Court of Chancery Provinciaall and County Courts of this Province for the more Speedy recovery of Debts Easy p. 34 obtaining of Execucōns against persons Absenting from the Counties where the Judgments were recovered ag^t them for preventing Commissioners Sher^t Sub-sherriffs Clerks and Deputy Clerks to plead as Att^{ny} in the respective Courts to which they belong and for Amerciamⁿ in the Provinciaall and County Courts.

Be itt Enacted by the Kings most Excellent Majesty by and

c. p. with the Advice and Cons^t of his Majesties Govern^r Councill and Assembly of this Province and the Authority of the same that the Justices of the Provincia^ll and County Courts within this province doe with all Convenient speed after the publication of this Act att the Cost and Charges of the publick and their respective Counties purchase and procure or Cause to be purchased and procured the Statute books of England to this time and Dalton's Justice of the peace or such other usefull book of like Sort as such Justices shall think proper where they are not already procured for the use of their respective County Courts. And

Be it further Enacted by the Authority a^d that the Justices of the Provincia^ll and of each respective County Court within this province by force and Virtue of this Act may make such
 p. 35 rules and Orders from time to time for the well Governing and regulateing their said Courts and the Officers and suiters thereof as to them in their Discretion shall seeme meet and under such fines and fforfeitures as they shall think fitt not Exceeding one thous^d pounds of Tob^o in the Provincia^ll Court and five hundred pounds of Tob^o in the County Court for any one Offence all which fines shall be to his Maj^{ty} his heirs and Successors for the Support of Government.

And be itt further Enacted by the Authority a^d that any Debt or Debts of mony or Tob^o due to any pson being above the Sum of four hund^d and not above the Sume of Ten thousand pounds of Tob^o and being Above the Sume of thirty three Shillings and four pence and not above the Sume of fifty pounds Sterl in mony whereof the plaintiffe is Desirous of a Speedy recovery against this Defendant his Debtor in the County Court he shall proceed against such Defend^t in Manner and forme following that is to say att the same time that the Plaintiffe sues out his writt against the Defendant he shall file with the County Clerk his Declaration thereon and the Clerk shall make a Coppy of the said Declaration and Deliver the same to the Sheriffe with the writt and if the Sher. Can
 p. 36 Serve the said writt upon the Defend^t and Deliver to the Defend^t the Coppy of the Plaintiffs Declaration Eight days before the returne of the said Writt then the Defendant shall be Obliged by Vertue of this Act to goe to Tryall with the Plaintiffe the same Court in which the writt is returned and shall not have any Imparlance and the Justices of the Sevⁿ and respective County Courts are Impowered by this Act to give Judgment against the Defend^t in Case of his refusall to plead or Answer as they might doe in Case of a Legall tryall had before them Except in some very Extraordinary Cases or Accidents att the Discretion of the said Justices.

And be it further Enacted by the Authority a^d by and with c. p. the Advice and Consent a^d that in all Actions which shall att any time after the end of this Sessions of Assembly be sued or prosecuted in the County Courts of this province wherein upon Tryall itt doth Appear to the Court that the Just Ballance doth not Exceed four hundred pounds of Tob^o or thirty three shillings and four pence in mony the plaintiffe shall be non suited.

And be itt further Enacted by the Authority a^d that in all Actions which shall att any time after the End of this present P. 37 Sessions of Assembly be sued or prosecuted in the Provinciaall Court of this Province and upon tryall itt doth appear to the Court that the Just Ballance of the Debt or thing in Demand is under fifteen hundred pounds of Tob^o or Six pounds five shil. in mony the Plaintiffe shall be nonsuited.

Provided Nevertheless that nothing in this Act Contained shall be Construed to give the said provinciaall Court any other Jurisdic^on then what is Agreeable to the Act of Assembly for relieving the Inhabitants of this province from some Agrievances in the prosecution of Suits att Law any thing herein Contained to the Contrary notwithstanding.

And be itt Enacted by the Authority a^d that his Majestys high Court of Chancery within this province shall not heare try Determine or give reliefe in any Cause Matter or thing wherein the Originall debt or Damages doe not amount to twelve hundred and one pounds of Tob^o or five pounds and one penny in mony.

And be it Enacted by the Authority a^d that when any pson or psons against whome any Judgm^t or non suite shall be given in Any County Court of this province shall fly remove or absent him or themselves out of the County and Jurisdic- P. 38 tion of that Court where such Judgment or Judgments shall be given that then and in Every such Case the Plaintiffe or Plaintiffes in Every such Judgment or Judgments for the more Easy Obtaining the ffruit and Effect of such Judgment whether the same be for Costs of non-suite or Otherwise shall or may take the Transcript of the Record of such Judgment under the seale of the Court where such Judgment shall be Obtained and Lay the same before the Justices of the County Court where the said Defend^t or Defendants shall happen to be which transcript shall be Entred upon the Record of such County Court and the Justices of such County Court shall by Vertue of this Act Award Execution against the pson or persons against whom such Judgment shall be rendered by Capias ad Satisfaciendum fieri facias or Attachment for the Debt Damages and Costs in such Judgment or recovery

- c. p. mentioned together with such Additionall Costs as shall be Expended in such Court where such Execution shall be Awarded without sueing out any writt of Scire facias

And be itt further Enacted by the Authority af^d by and with the Advice and Consent af^d that no person being in the
p. 39 Commission of the peace no Sher. or Deputy Sherriffe Clerk or Deputy Clerke of those Courts wherein they bear Office shall plead as Attorney for or in behalfe of any person or persons on penalty of fforfeiting three thousand pounds of Tob^o for Every such Offence whereof such Offender shall be found Guilty one halfe thereof to his Maj^{ty} his heirs and Successors for the Support of the Government of this Province the Other halfe to the Informer or him or them that shall sue for the same to be recovered in Any Court within this province by bill Plaint or Information wherein no Essoyne protection or Wager of Law to be Allowed.

And for the Discouragement of Litigious suits that frequently Arise in the Provinciaall and County Courts within this province,

Be itt Enacted by the Authority Advice and Consent af^d that all psons whatsoever Except Executors and Administrators that are Cast in any Cause be they Plaintiffe or Defend^t shall be Amerced besides the Damages and Costs in the provincially Court fifty pounds of Tob^o to be Employed as the Governor and Councill shall think fitt and in the County Court thirty pounds of Tob^o to be Employed and Disposed of towards Defraying the County Charge of Each respective County And for the Due Collection Thereof

- p. 40 Be itt Enacted by the Authority af^d that the Clerk of the Provinciaall Court and the Clerks of the sevⁿ County Courts keep an Exact Account of the Amerciam^{ts} And Deliver or send the same to the Sevⁿ sher. of the Particular Counties who are hereby required to Collect the same with the Levy And are Accordingly Impowered for Default of Paym^t to make distress and Comanded not to returne any in Arrears, Except in Case of the Debtors Insufficiency

And be itt further Enacted that the Clerks of the severall County Courts give unto the Chiefe Justice of such County Court a List of the Amerciaments every November Court that shall have arisen each preceeding year And that the Clerk of the Provinciaall Court lay a list of the Provinciaall Amerciaments as they shall yearly arise before the Govern^r and Councill of this Province for the time being.

An Act Ascertaining what Damages shall be Allowed upon C. P. protested bills of Exchange.

Be itt Enacted by the Kings most Excellent Majesty by and with the Advice and Consent of his Maj^{ty} Govern^r Councill and Assembly of this province and the Authority of the same that there shall not be Allowed to any person or persons whatsoever having Just Cause to Implead any pson or psons whatsoever Living or resideing within this province upon any bill of Exchange Drawn for Any sume or sumes of money whatsoever payable in England or Elsewhere and brought in here protested more then the sume of Twenty pounds p Cent Damages over and Above the Debt sued for and recovered togeather with Ordinary Costs of Suite any Law Statute or Custome Usage to the Contrary notwithstanding. And,

Be itt further Enacted by the Authority a^d that if any person or persons draw any bills of Exchange upon any person or persons or Society or Company in England or Elsewhere out of this province and the same be protested and the protested bills be returned into this province within four years after the date of such bills that then the debt or Damage occasioned by the non Acceptance or non payment of such bills shall be Accounted a Debt of Equall Nature with any Specialty and in payment of Debts by Exⁿ or Administrators be preferred before any Other Debt which is not under hand and seale such Executor or Admⁿ having timely notice of such protested bills of Exchange Any Usage or Custome to the Contrary Notwithstanding Provided nevertheless that in Case any bills of Exchange to be drawn after the end of this present sessions of Assembly shall be returned unto this province protested within Eighteen months from the Date of such bill there shall not be Allowed above fifteen p Cent for the damages thereon besides the Costs as a^d Anything before Contained to the Contrary Notwithstanding.

An Act for the Punishment of Blasphemy prophane Curseing and Swearing and Drunkenness.

Be itt Enacted by the Kings most Excell^t Majesty by and with the Advice and Consent of his Majesties Governor Councill and Assembly of this province and the Authority of the same that from and after the end of this present Sessions of Assembly if any pson or psons whatsoever within this province shall blaspheme God (that is to say Curse him) or Deny our Saviour Jesus Christ to be the son of God or shall Deny the Holy Trinity the Father Son and holy Ghost or the Godhead of any the three persons or the Unity of the God

- c. P. head or shall utter any prophane words Concerning the Holy Trinity or any the psons thereof for his her or their first Offence shall be bored through his her or their tongue and fined the sume of twenty pounds Sterl to his Majesty his heirs
- p. 43 and Successors to be Applied to the Use of the Parish Church where such Offence shall be Comitted to be Levied upon his her or their bodys Goods or Chattells Lands or Tenements and if such Offendor or Offendors shall not redeeme his her or their body by the payment of such fine with his her or their goods or Chattells Lands or Tenements then such Offendor or Offendors shall by Vertue of a Comittment or Levam facias on such Judgment of Conviction be Immediately detained in prison and shall in Lieu of the said fine Suffer Six months Imprisonment of his her or their bodys without baile or Mainprize to be Accounted from the day of such Offendors first Comittment after such Judgment rendered against him And for Every second Offence whereof such Offendor or Offendors shall be Legally Convicted he she or they shall be stigmatized by burning in the forehead with the Letter (B) and be fined by the Court where he she or they shall be Convicted forty pounds Sterl to the Kings Majesty his heirs and Successors to be Applied to the Uses as^d to be Levied as as^d and in Default of Satisfaction thereof as as^d to Suffer twelve months Imprisonment as as^d on such Execution or Comittment as as^d in Lieu thereof And for Every third
- p. 44 Offence whereof such Offendor or Offendors shall be Legally Convict he she or they soe Offending shall be Adjudged Felons and shall suffer pains of Death without any benefitt of Clergy.

And Forasmuch as itt hath been too plainly found by Long Experience that there are some such bold Offendors as to the scandall of a Christian People and Civill Government att once dare Sportingly Contemn the Laws of God and of their King and Country by prophane Curseing and Swearing notwithstanding the provisions that have been heretofore made against them,

Be itt therefore Enacted by the Authority Advice and Consent as^d that if any pson or psons shall after the End of this p'sent Sessions of Assembly prophanely Swear or Curse in the presence or hearing of any Magistrate the Commissary Gen^l the Secretary Constables Provinciall or County Clerke Sherriffe Coroner Minister Vestryman or Churchwarden or that shall be Convicted of prophane Curseing or Swearing by the Oath of one witness or by the Confession of the party Offending before any Justice of the peace or other Magistrate that then for Every such Offence the party soe Offending shall fforfeit and pay to the use of the County where such

Offence shall be Comitted the respective sumes herein after C. P. mentioned that is to say the first oath or Curse two shil and P. 45 six pence and for Every Oath or Curse after the first five shillings Curr^t mony.

And itt is hereby Further Enacted that upon Neglect or refusall of Payment of the said fforfeiture in mony or Goods to the Vallue thereof any Magistrate the Commissary Gen^l Secretary provinciall or County Clerk sher Coroner Constable or the Minister of a Parish any Vestrymen or Church warden shall and are hereby Authorized and required to Committ the said Offendor to the Stocks for the Space of one hour for Every Oath or Curse not Exceeding three hours att any one time of Conviction or punishment or order him her or them punishment by whipping not Exceeding five Lashes for any one oath or Curse nor thirty nine att any one time of Conviction or punishm^t And if occasion be to call or Command assistance in the executing the same in the same Manner as any Sher. or Constable might or ought to doe in other Cases of Contemning his Majesties process or Authority and in Case such punishment shall be awarded by any the p^{rs}ons af^d Except the Sher. or Constable af^d it shall and may be Lawfull for such person to appoint any p^{rs}on (who shall not be in Authority or have any Just Exemption) as a Constable on such speciall Ocasion to Execute such punishment on the Offendor in Case P. 46 the Sher of the County or Constable of the hundred be Absent from the place where such punishment shall be Awarded And that the person soe Especially to be Appointed or Comanded to Execute such punishment that shall refuse or Delay to Execute the same shall fforfeit to his Majesty his heirs and Successors the sume of ten Shillings Curr^t mony to the use af^d to be Levyed as the Justices of the County Court where such Contempt shall happen shall order and Direct but in Case the Offence of prophane Curseing and Swearing shall be Committed by any person or persons under the Age of Sixteen years whereof they shall be Convict as af^d who shall not forthwith pay the fforfeitures af^d then he she or they shall by Warr^t from any the persons af^d if such Offence be Committed in their p^{rs}ence or from Any Justice of peace or Other Magistrate if the Conviction be by Oath or Confession before them be whipped by the Constable or Other p^{rs}on Especially to be Appointed as af^d or by the parent Guardian or Master of such Offendor in the presence of such Magistrate Constable or other p^{rs}on as af^d

Provided such whipping Exceed not what is above Directed for any one Offence or at any one time of punishment

And be itt further Enacted that if any the Officers or per- P. 47 sons af^d appointed as af^d to Act Iudicially in the putting this

C. P. Act in Execution shall willfully and wittingly omitt the performance of what is required of them by this Act or shall be Guilty of the like offences of Curseing or Swearing themselves in the p'sence of any other Officer or shall be thereof Convict upon oath made or Confession as af^d shall fforfeit the sume of ten shil. for Every such Offence or Omission and the Magistrate before whom such Offence or Conviction shall happen shall Certifie the same under his hand and Seale to the Justices of the County Court of the County where such offence or Omission shall be Comitted or made who are hereby required to Award Execution thereupon by Levare facias against the body Goods or Chattells of such Offendor to be applyed to the uses af^d

And be itt Further Enacted that in Case any the Offenders af^d shall use any abusive revileing or threatening Speeches against any the persons that shall put the same in Execution against them upon their doeing thereof such Speeches shall be deemed a breach of Good behaviour for the sure keeping whereof for the space of three months then next following in
p. 48 Gen^l and Especially to such Officer as shall Convict them they shall be bound with two sufficient sureties in five pounds penaltie att the least or be Comitted for want thereof And in Case Any Assault or Battery shall be made by such Offendor against such Officer as af^d upon the putting this Act in Execution as af^d that then such Offendor shall be Indicted for the same and in Case the party Grieved shall sue such Offendor for such Assault and battery he shall recover treble Damages and such Offendor shall be bound Over as af^d And in Case any Suite or Action shall be Commenced or brought against any the persons whatsoever for doeing or Causeing to be done Anything in pursuance of this Act Concerning the said Offences the defendant in such Accōn may Plead the Gen^l Issue and Give the Speciall matter in Evidence And if upon such Action Verdict be given for the Defendant or the plaintiffe become nonsuite or discontinue his Action then the Defendant shall have Treble Costs. Provided always and it is hereby Enacted that no person shall be prosecuted or Troubled for any the Offences of Curseing or Swearing as af^d Unless the same be proved or prosecuted within ten days next after such Offence Committed.

And whereas the Loathsome and Odious sin of Drunkenness is of too Comon use within this province being the roote and foundation of many other Enormous Sins to the great
p. 49 Dishonour of God and the Country the Impoverishing of many Good Subjects and Abusively wasting the Good Creatures of God,

Be itt Enacted that all and Every person or persons who after three months next following the end of this present

session of Assembly shall be drunk and of the same offence C. P.
of Drunkenness shall be Convict shall forfeit and pay the
sume of five shillings Current money for Every such Offence
or on Neglecting to make Immediate payment thereof by
mony or goods to the Val. shall be sett in the Stocks there to
remaine for the space of two hours in Lieu thereof and that
the Sevⁿ Magistrates and others aforementioned to put this
Act in Execution against such as shall be Accused or Convict
of prophane Curseing and Swearing shall proceed in the same
Manner against such as shall be Accused or Convicted of
Drunkenness as they are herein before directed to proceed
against those that shall be Accused or Convicted of prophane
Cursing and Swearing and shall in all things relateing to the
punishment of Drunkenness have the same power Authorities
and Advantages as are to them herein before given against
prophane Cursers or Swearers and shall be lyable to the same
fforfeitures and to the same manner of Conviction in Case of
Drunkenness in themselves or Omitting to punish itt in others
as herein before directed in Case of Curseing and Swearing
all which fforfeitures or penalties relating to drunkenness P. 50
shall be Collected Levyed and Inflicted after the same Manner
and Applyed to the same uses as before directed in the Case
of Prophane Curseing and Swearing.

And be itt further Enacted that this Act shall be publickly
Read four times in the year in all parish Churches and all
publick Chappells by the Rector Vicar Curate or reader of
the respective parishes or Chappells Imediately after Morning
prayer on four Sevⁿ Sundays that is to say on some one Sun-
day in June in September in December and in March under
the paine of one thousand pounds of Tob^o for Every such
Neglect or Omission the one halfe to his Majesty his heirs and
successors towards Defraying the Charge of such parish
where such Omission shall be made the other to the Informer
or him or them that shall sue for the same to be recovered in
the Co^v Court where the same shall rise by Action of Debt
bill plaint or Information wherein no Essoyne protection or
wager of Law shall be Allowed.

And be itt further Enacted that the severall Officers and
Others in this Act mention'd who shall receive any the fines
or fforfeitures a^d shall yearly Account for and pay the same
to the respective Vestry and County Courts att the time of P. 51
their laying the County Levy to his Majesty his heirs and
successors for the Uses a^d on pain of fforfeiting double the
sume soe by such Officer or pson received and not Accounted
for and paid as a^d to be Levyed as the Justices of such
County Court shall Direct.

C. P. And forasmuch as there is but Little mony in the Countys of this province and that itt will be Extreemly Difficult to Levy and Collect the fines Imposed by this Act for the Greater ease of the Magistrate or other Officers obliged to Execute the powers and Authorities herein Contained itt shall and may be Lawfull for such Magistrate or other Officer as af^d where mony is not to be had and the persons fforfeiting the same are ffreeholders or Settled residents within any County in this province att their discretion either to Levy the same According to the directions of this Act or otherwise keep a fair Account of such Offendors Offences and fines thereupon Ariseing and returne the same yearly to the County Justices of the November Court under such Magistrate or Officers hand and seale of which Account the said County Courts shall Cause their Clerks to give a fair Coppy to the Sher of the County in order to Collect such fines and fforfeitures and upon refusall of payment hereof the Sher is hereby Impowered to Levy the same by way of Execution in tob^o att one penny p pound and in such Manner as the publick and County Levies of this province are and have Usually been Levied and Collected and render an Account thereof to the Justices of the respective County Courts to be Applied to the Use af^d

P. 52 An Act for rectifying the ill practices of Attorneys of this province and Asserting ffees to the Attorney Gen^l Clerk of the Indictments Attorneys and practitioners of the Law in the Courts of this Province And for Levying the same by way of Execution.

Be itt Enacted by the Kings most Excellent Majesty by and with the Advice and Consent of his Majestys Govern^r Councill and Assembly of this province and the Authority of the same that after the end of this Sessions of Assembly no process for any Criminall matter or Other Misdemeanour shall Issue out of Any the Courts of this Province against any person or persons whatsoever without a presentment be first found against the said pson or persons by the Grand Jury Unless by a Speciall Order of his Excellency the Govern^r in Councill or of the Provinciaall or County Courts in this pvince and if the Attorney Gen^l or any other Attorney of the Provinciaall Court shall Issue forth process against any person or persons And no p'sentment or order of his Excellency the Governor in Councill or order of Courts appear upon Record to Justifie the same the said Attorney soe Offending shall fforfeit and pay for such his Offence the sume of five thousand pounds of Tob^o the one halfe to his Majesty his heirs and successors towards the support of Government within this

province the Other halfe to the Party Grieved or to him or them that shall Informe or sue for the same to be recorded in the Provinciaall Court of this province by bill plaint or Information. C. P.

And if any Clerk of the Indictments in any County Courts of this province or any other Attorney practicing in the said Courts shall Issue forth process ag^t any person or persons for any Criminal Matter or Misdemeanour without a presentment be first found by the Grand Jury against the said person or persons or Especiall Order of the Govern^r in Councill or County Court Appearing upon Record to Justifie the same the said Clerk of Indictments or Other Attorney soe Offending shall forfeit and pay for such his Offence the sume of two thousand five hund^d pounds of Tob^o one halfe to his Majesty his heirs & Successors towards the Support of Government in this Province the Other halfe to the party Grieved or to him or them that shall Informe or Sue for the Same to be recovered in the respective County Courts of this province where such Offence was Comitted by Action of Debt bill plaint or Informacōn wherein no Essoyne Protection or wager of Law to be Allowed. P. 54

Neither shall the party soe Offending have any Appeal or writt of Error but the Judgm^t of the County Court shall be Definitive therein And if the Clerk of the Provinciaall Court of this province or any of the Clerks of the County Courts of this province shall Issue out process in Criminall Causes without an Order for the same Under the hand of An Attorney practicing in the said Court or Courts to Justifie the same the said Clerk or Clerks soe Offending shall be Lyable to the same forfeitures and penalties of Attorney soe offending and the said forfeitures to be recover'd as a^d to goe to the Uses a^d.

And be it further Enacted by the Authority a^d that the Attorney Gen^l of this province shall not recover nor receive any fee for any Navigation bond put in Suite Either where the Certificate was before the Suite of the said bonds Lodged in the Secretary's Office of this province or where itt Can be proved that he knew that there was such Certificate returned neither shall the said Attorney Gen^l receive or have Any fee for any bond for Country dues where the said bond Appears not to be forfeited And if the said Attorney Gen^l after the End of this Sessions of Assembly shall sue any bond taken Contrary to Act of Parliament or bond taken for Country dues and no bills of Ex^o appearing Protested nor noe Other failure to forfeit the said bond or where the said Certificate is returned into the Secretarys Office Appointed for keeping the same P. 55

C. P. any of which Cases appearing to the Provinciaall Court the said Attorney Genⁿ shall not only Lose his fees but pay the secretaries fees and what other Charges the party has been att in defending the same to be Adjudged by the Provinciaall Court. And where as Sevⁿ persons have been sued in his Maj^{ty}s name for a Certaine Summe without ever mentioning for what the said bond was taken soe that the persons do not know what Courses to take or who to Apply themselves to,

Be itt Enacted by the Authority a^d by and with the Advice and Consent a^d that when any writt is Issued forth upon a Navigation bond taken in his Maj^{ty}s name itt shall be Endorsed on the back side as follows for whome the person was bound and in what year, If a Sher Bond att whose request and
p. 56 prayer it was Sued or bond taken in any of his Majesties Offices in this province itt shall be Endorsed at whose request itt was sued and for want of such Endorsement the writt shall Abate and the party Grieved shall recover his Costs against the Attorney that sued forth the said Writt.

And be itt Enacted by the Authority a^d by and with the Advice and Consent a^d that whensoever the Grand jury in their respective County Courts of this province shall make a presentment of the breach of any the Laws of this province save only the Act for speedy tryall of Criminalls and Ascertaining their punishment in the County Courts when prosecuted there if the party or parties presented Confess his or their Crime and submitt to the Court then the Clerk of Indictments shall have one hundred pounds of Tob^o for his fee and no more but if the Clerk of Indictments Draws a bill of Indictment upon the said presentment and the party therein presented Traverses such presentment or bill of Indictment puts himself upon the Country for tryall thereof then the Clerk of the Indictments shall have two hundred pounds of Tob^o for his fee and no more.

p. 57 And be itt ffurther Enacted by the Authority Advice and Consent a^d that from and after the end of this p^rsent sessions of Assembly there shall be paid to any Attorney or other person practicing the Law in any of the County Courts of this province for bringing prosecuting or Defending any Action of what nature or Quality soever to finall Judgm^t agreem^t or other End thereof the summe of one hundred pounds of Tob^o Unless the principall Debt or Damage or Ballance of any Debt and Damages sued for and recovered doe Exceed the summe of two thousand pounds of Tob^o or Ten pounds Sterl that then the said Attorney shall have two hundred pounds of Tob^o and no more and to any Attorney or other person practicing the Law in the provinciaall Court

high Court of Chancery Commissarys Court Court of Vice C. P. Admiralty or prosecuteing or defending any Appeals writts of Error or any other Matter or thing whatsoever before his Excellency the Governor and Councill the sevⁿ sumes hereafter Expressed and Sett down (that is to say) for prosecuting or Defending any Cause plaint or Action of what nature soever in the Provinciaall Court to finall Judgm^t Agreem^t or other End thereof the sume of four hundred pounds of Tob^o and no more for any fee in the high Court of Chancery and Court of Vice Admiralty Six hundred pounds of Tob^o and no more for any fee in the Commissarys Court four hundred pounds of Tob^o and no more for any fee upon any writt of Error or Appeale which shall be before his Excellency the Govern^r and Councill six hundred pounds of Tob^o and no more And to his Majestys Attorney Gen^l for any Action in the Provinciaall Court att the suit of his Majesty Indictment presentment or Information the sume of four hund^d pounds of Tob^o and no more Any Law Statute or Custome to the Contrary in any wise Notwithstanding. p. 58

And be itt further Enacted by the Authority Advice and Consent a^d that if any Attorney or other person practiceing the Law in any of the a^d Courts doe presume to ask receive take or demand any Greater or Larger fee then before by this Act appointed and be thereof Legally Convicted he shall be Uncapable to practice the Law in any Court of this province ffor the ffuture.

And be itt further Enacted by the Authority Advice and Consent a^d that all bills bonds or Other Specialtys taken by any Attorney or Other person practiceing the Law in any of the a^d Courts or Any bills bonds or other Specialtys taken by any of the Clerks of any County Court of this province from and after the end of this Sessions of Assembly shall be Endorsed on the back side thereof for what matter and how the same did become due and for default thereof all such bills bonds and specialties shall be Void any Law Usage or Custome to the Contrary Notwithstanding. p. 59

And be itt further Enacted by the Authority advice and Consent a^d that the fee and fees herein before Allowed to be taken by Any Attorney or other person practiceing the Law in any of the a^d Courts shall be Levyed by way of Execution in such Manner and forme as other Officers fees are and have been Levyed and all and Every the Sherriffs of the Sevⁿ Counties of this province are hereby obliged Authorized and Impowered to Levy and Execute the same Accordingly Any Law Statute or Custome to the Contrary notwithstanding.

C. P. And be itt further Enacted by the Authority Advice and Consent af^d that no Clerks of any Courts within this province shall after the End of this p^rsent sessions of Assembly deliver to any Attorney Sherriffe or Other person any blank writt or writts whatsoever on Penalty of Six thousand pounds of Tob^o one halfe to his Majesty his heirs and Successors towards the support of Government in this province the Other halfe to the Informer or him or them that shall sue for the same to be recovered by Action of Debt wherein no Essoyne protection or wager of Law to be Allowed.

p. 60 And be itt Further Enacted by the Authority Advice and Consent af^d that from and after the End of this present Sessions of Assembly no Attorney or other person whatsoever shall practice the Law in any of the Courts of this province without being Admitted thereto by the Justices of the Severall Courts who are hereby Impowered to Admitt and Suspend them (Salvo Iure Coronae) untill his Majesties pleasure shall be known therein but any Attorney or any other person that practiceth the Law in this province or the plaintiffe that shall sue in any County Court where he doth not reside shall be Oblidged to give Security for the paym^t of all the Officers fees that shall Accrue upon any suite by him to be Comenced Either att the time of the Issueing of the writt in the Action or dureing the Continuance of the Court to which Such writt shall be returned on paine of paying such fees himselfe or Suffering his Clyent to be non suited in default of such Security to be given or of such Attorneys Signifying his Intention to pay such fees Any Law Statute Usage Custome rule of Court or order from any persons to the Contrary notwithstanding.

Provided always that nothing in this Act shall Extend or be Construed to Extend to give right to any Courts of this province to Admitt any Attorney or other person practicing the Law to practice in any Court that has been already refused
p. 61 soe to doe by his Excellency and his Majestys Hon^{ble} Council nor to any person that shall not Qualifie himselfe by taking the Oaths appointed to be taken by Act of Parliament made in the sixth year of the Reigne of her Late Majesty of pious Memory Entituled an Act for the Security of her Majestys person and Government and of the Succession to the Crown of Great Brittain in the Protestant Line.

An Act for Ascertaining the bounds of Lands within this province

Forasmuch as att the first Settlement of this province the Heathen Indian Enemies were so Very numerous and barbarous

that both the persons desirous to purchase Land and to Settle C. P.
 and Inhabitt on the same and also the Surveyors appointed by
 the right Hon^{ble} the Lord Prop^r to survey and Levy out
 such Lands to the said persons were deterred from makeing
 soe strict a Scrutiny into the true scituation of the Sevⁿ Rivers
 Creeks and branches of this bay soe as to Prevent the Inter-
 ference of the bounds Limitted and Appointed by the said
 Suveyors for Each Tract and from Settling of the Courses
 or measureing the true distances of Lines directed to run to
 the Sevⁿ Trees or other bounds then prescribed to Limitt and
 bound the said Sevⁿ Tracts of Land and also the Surveyors p. 62
 themselves soe Appointed were too Often both very Ignorant
 and Negligent in performing their Duty therein and alsoe for
 as much as the bounded trees by them formerly bounded for
 Very many of the said fformer Surveys are dead and so far
 Lost and forgotten that no remaines or Memory are Left of
 the same and the Other boundaries Either of the bays Rivers
 Creeks or branches as alsoe of Courses and Distances soe
 darkly and Unskillfully Express that many Great Controversies
 and suits have been and are dayly moved thereupon And no
 Certaine Method as yett being prescribed for the Speedy
 Determination thereof but a Course att Comon Law and
 Tryalls by Jurys in the Provinciaall Court which Juries having
 never had Any View of the Lands in debate soe as to be
 made Sensible of the true Scituation of them (whereby the
 true Intent and Meaning of the dark and Unskillfull Express-
 ions of the af^d Surveyors are the better to be Understood)
 Cannot possibly give a Just Verdict thereupon which Occasions
 most Comon and frequent appeales to the Superior Courts
 and Vast Additionall Charges thereby Accrueing Insupporta-
 ble to the Inhabitants of this province Especially the poorer p. 63
 Sort who Are thereby frequently Ruined or Very much Impov-
 erished and many times forced to relinquish and give up their
 Just right to their more potent Litigious Adversaries rather
 then Suffer the Loss of time fatigue and Expence of a Long
 Journey and longer and more tedious Attendance and foras-
 much as the Multitude of Cases Varying in their Severall
 Circumstances will not Admitt of any Gen^l Rules to be pre-
 scribed whereby the Court and Jury may Adjudge of and
 Determine the Matter in Controversy Therefore this p^sent
 Gen^l Assembly doe Humbly pray that itt may be Enacted,

And be itt Enacted by the Kings most Excellent Majesty
 by and with the Advice and Consent of his Majestys Gov-
 ernour Councill and Assembly of this Province and the
 Authority of the same that five persons in Each respective
 County of this province (who are the best skilled in the Art
 of Surveying and best Acquainted with the Nature and

- C. P. Designe of Ancient surveys such as the Governour And Council for the time being shall see proper shall be Commissioned and Impowered Under the Great Seale used in this province by the Governour for the time being who by Vertue thereof And the Authority of this Act shall or may with or without
- p. 64 Adjournment from time to time meet and Sumarily and without the formalities of Proceedings Used in Courts of Law or Equity by Testimony of Witnesses Upon Oath Examination of Parties Interested or by all or Any of the said ways or Otherwise att their Discretions from time to time to hear and Determine all Differences and Controverses which hereafter shall or may happen in their severall and respective Countys between any persons therein of or touching or Concerning the bounds of And meets of Land only which said Commissioners shall take the following Oath. I. A. B. Doe Swear that I will Justly and truely Execute the powers and Authorities in this Act Contained and According to the best of my knowledge without ffavour or Affection to any of the parties Concerned. So help me God.

And for that it may be highly Necessary that Certaine times be Appointed for the said Commissⁿ to meet att a Certaine place whereto all persons aggrieved may repair to make Application for redress,

- Be itt Enacted by the Authority a^d that the said Commissⁿ shall Appoint Certaine Days and make publication thereof whereon to meet att the Court house in each respective County att which day and place the said Commissioners or any three
- p. 65 or more of them upon Complaint made by Any person touching any Difference or Dispute Concerning the bounds or Limitts of any tract or tracts of Land or part or parcell of any Tract or Tracts of Land Lying and being within their respective Counties shall Appoint a Certaine day or days on which the said Commissioners or any three of them att the Least not being any wise related to Either Complainant or Defendant either by Consanguinity or Affinity or any ways Interested in such Dispute Unless by Mutuall Consent of both the said parties shall goe upon the Land in Dispute and View and Consider the premisses. And for the better Enableing the said Commissⁿ to proceed with Effect in the said Causes,

Be itt further Enacted by the Authority a^d that upon a petition or Complaint made to the said Commissioners in writing by any person or persons any ways Concerned in such Disputable bounds that itt shall and may be Lawfull for any one of the said Commissioners to grant sumons in writeing to be Directed to the party or parties therein mentioned and also to any witness and witnesses or his Majestys Surveyor

of the said County for the time being to be and Appear *C. P.* before the said Commissioners att a day and place therein to be prefixed the service whereof in such manner and forme as is Usually Allowed to be good Service in Cases of Subpenas shall be Accounted to be a good Service in the Cases *af^d* and *p. 66* that upon Appearance or Default of any person or persons Interested in any manner as *af^d* upon Oath thereof made before the said Commissioners they shall and may Notwithstanding proceed to the Determination of such Controversy saving always that when any person or persons soe to be Sumoned shall be beyond the seas or Cannot be found to be Sumoned that no proceedings shall be thereupon had untill after Eighteen months then next following and then Oath being then made of Endeavouring to serve the said Sumons the said Commissioners shall And may proceed as if the said party had been Actually Sumoned unless the said person or persons soe absent upon a new Sumons after his or their returne or being found shall sooner Appear.

And be itt further Enacted by the Authority *af^d* that if the Surveyor of the County *af^d* shall willfully forbear or Delay to be and Appear According to the Tennor of the same Sumons such Surveyor so willfully refuseing or Delaying shall florfeit for every such offence five hundred pounds of Tob^o to the Kings Majesty his heirs and Successors for Support of Government to be recovered in Any Court of Record by Action of Debt bill plaint or Information wherein no Essoyne protection or wager of Law to be Allowed.

And if Any witness soe Sumoned shall Neglect to Appear att the time and place Notified or shall when appearing *p. 67* refuse to give his or their Evidence itt shall be Lawfull for the said Commissioners to Issue Attachment Against him her or them to Cause him to Come or Committ such Witnesses for such their Obstinacy till they give their Evidence as the Case may require and for the better Discovery of the true bounds of the Lands in Dispute the Commissioners or any three of them as *af^d* being upon the Land may Cause the said Lands and alsoe any other Adjacent Lands for their better Information to be Surveyed and having Duly and Impartially Considered as well the proofs and Allegations of both parties as all other Circumstances nearest Concurring with the true Intent Designe and Meaning of the Originall Surveys shall then and there determine and Ascertain the Limitts and bounds of the said Lands in Dispute as they or the Major part of them then and there present shall adjudge most Just and reasonable and Cause the same Lands in their presence to be new markt out with such marks and bounds as to them shall be Adjudged most plaine and Durable and Cause three

C. P. fair platts and Certificates thereof to be made by the said Surveyor two thereof for the Contending parties and the third to be fairly Entred in a book for that purpose to be provided by the Commissioners att the County Charge of good Large
 p. 68 Strong paper with a Leather or parchment Cover which said books shall be Lodged with the Clerk of the County where such Lands as af^d Lye and kept among the Records of the said County which said bounds so ascertained and Entred as af^d shall be and remaine the Certaine and Undoubted bounds of the said Lands forever. And further the said Commissioners after having Ascertained the Limitts and bounds as af^d shall and may by Vertue of this Act put Either the Complainant or Defendant (as the Case shall require) into peaceable possession of the bounds soe Determined And Also Assess and Decree all Costs and Damages Accrueing thereupon upon non payment whereof itt shall and may be Lawfull for the party or parties Concerned to bring an Action att the Common Law for recovery thereof And to give such Order or Decree in Evidence to prove the same in which Action no Essoyne protection or wager of Law shall be Allowed and that from all and Every of such Decrees and Determinations there shall be no Appeall or review other then is hereafter Expressed.

And be itt further Enacted by the Authority af^d that such Commissioners so Commissioned as af^d in Consideration of their time and trouble in Viewing the Sev^l Lands in Controversy as af^d and passing such Order and Decrees as af^d shall
 p. 69 for Every day they Attend thereon be paid the sume of one hundred pounds of Tob^o p Diem and no more to be paid by such of the Parties as the Commissioners shall Adjudge to pay the same. And for Ascertaining what ffees the Surveyor shall receive—

Be itt Enacted by the Authority af^d that for all such surveys which in this Case shall be made the said Surveyor shall have such ffees as by Law are Settled for Primitive Surveys but if in Case itt shall be found Needfull to Survey and run out only one or more Lines of any the Adjacent Lands that then the Surveyor for Every such Line or Lines by him run shall have Only a Quarter of a pound of Tob^o p perch and no more & if itt shall soe happen that the Kings Surveyor of the County shall be Either a person Interested in Any of the said Disputes or related to Either party or that any Just Exception be made against him and Allowed by the said Commissioners then the said Commissioners shall appoint some other Skillfull and honest person in his stead to pforme that Service. And for the better Dispatch of business by the said Commissioners—

Be itt Enacted by the Authority af^d that the said Commis-

sioners shall and may by their wisdoms and Discretions Order C. P.
 and settle such Just fees and rewards for such Clerk and other
 Officers and Assistants as they shall Judge Necessary to be by
 them appointed and Employed all which said Officers and
 Assistants soe Appointed as a^d shall give their Due Attend- P. 70
 ance att the time and place appointed and doe and performe
 such Services in furtherance of this Act as shall be then and
 there Directed them by the said Commissioners under such
 penalties as by the said Commissioners shall be Adjudged
 not Exceeding one hundred pounds of Tob^o to be Levied by
 way of Execution to the Use of the said Commissioners on
 the body goods and Chattells of each of such Offenders. And
 for the more Effectuall putting this Act in Execution—

Be itt further Enacted by the Authority a^d by and with the
 Advice and Consent a^d that Sherriffs Constables and Coroners
 within this Province and other the Officers a^d shall pay as due
 Obedience to any precept whatsoever that shall be Directed
 to any of them from the Comⁿ a^d as to any other precept
 whatsoever and shall be under like paines and penalties for
 Disobeying or Contemning thereof and shall in all things be
 Aiding and Assisting to such Commissioners in their Sevⁿ
 Offices as they are or ought to be to their Sevⁿ and respective
 County Courts or to any Single Justice thereof for all which
 Services by such Sher. or Coroners to be performed by Virtue P. 71
 of this Act they shall be Allowed halfe the fees that are
 Allowed them by Law in Other Cases for such like Services
 and shall not Charge or Exact more on Paine of Incūring the
 penalties Directed by the Act for Limitation of Officers fees
 against the offenders thereof. And to prevent the said Com-
 missioners from being Molested and Disturbed in the Execu-
 tion of their Commission—

Be itt further Enacted by the Authority a^d that if any per-
 son or persons whatsoever shall presume to molest Disturb
 or Obstruct the said Commissioners or Surveyor or Any other
 Officer or Assistant in performance of their duty a^d in Any
 Case within the Direction of this Act [they] shall forfeit and pay
 unto our Sovereigne Lord the King his heirs and Successors
 for the Support of Government the sume of one thousand
 pounds of Tob^o to be recovered in any Court of Record within
 this province wherein no Essoyne protection or wager of Law
 shall be Allowed.

And be itt Further Enacted by the Authority a^d that if
 Any Suit or Action be Comenced or Prosecuted against any
 person or persons for what he or they shall doe in pursuance
 of the Execution of this Act such person or persons so sued
 may plead the Genⁿ Issue and upon an Issue Joyned may

C. P. give the Especiall matter in Evidence And if the Plaintiffe
 p. 72 shall discontinue his Suite or Judgment pass against him the
 Defendant or Defendants shall recover his or their Double
 costs for his or their Unjust Vexation.

Provided always that if Either of the said parties dispute-
 ing bounds as af^d shall find himselfe Aggrieved by any such
 order Determination and Decree as af^d itt shall and may be
 Lawfull for the persons soe Aggrieved to make Application
 to the Governour for the time being for a Speciall Commission
 to be Directed to three persons Inhabitting within this province
 whereof one to be of his Majestys Councill or one of the Jus-
 tices of the Provinciaall Court and the other two to be well
 skilled in the Art of Surveying and of Good Character such
 as the Governor shall think fitt to Appoint to review such
 Determination order and Decree who by Virtue of such Com-
 mission shall have full power and Authority to review the same
 According to the Directions and after the manner prescribed
 in this Act and Either Confirme the same or otherwise to pass
 such further Determination order and Decree of and upon
 the premisses as to them shall seeme most Just and Equitable
 soe always that the said review shall be made and fully Com-
 pleted and Entred as af^d within three months from the time
 of the Determination made by the first Commissioners from
 p. 73 which Last Determination and Entry of the platt and Certifi-
 cate thereof as af^d there shall be no further review or Appeall
 whatsoever Allowed to any of the Courts of this province But
 in Case the pretensions of any party Grievd shall amount
 unto or be Adjudged to Exceed the Value of three hundred
 pounds Sterl that then and in all such Cases such party may
 have an Appeale from such sentence of the Commissioners of
 review to the Kings Majesty in Councill he giving security to
 prosecute such Appeale with Effect or Otherwise pay and
 Satisfie all such Cost and Damage as shall or may Accrue to
 the Other party for whome such Sentence has been given by
 makeing such his Appeall as af^d

Provided Nevertheless and itt is hereby Enacted And De-
 clared that the party for whome such Sentence as af^d shall be
 given shall not any ways be Delayed by such Appeale to the
 Kings Majesty as af^d but Imediately put into Possession of the
 Lands within the bounds soe Ascertained as af^d and alsoe
 Provided that where any bounds of Lands have been Already
 settled and Determined by any Law Suits Arbitrations or
 otherwise such Determination appearing upon Record the
 same soe Settled and Determined shall remain and Continue
 unalterable and no ways Subject to any View or review of the
 Commissioners appointed by this Law and that itt shall and

may be Lawfull for the Provinciaall Court of this province to C. P.
hear and Determine all Actions of Tresspass and Ejectment P. 74
allready Depending before them or which shall be Commenced
before the first Day of June one Thousand Seven hundred
and Sixteen Any thing in this Act to the Contrary in Any
wise Notwithstanding.

And further that this Act nor any Clause therein Contained
shall be of force or put in Execution within any of the Countys
of this Province Untill the first Day of June in the year of our
Lord God Seventeen hundred and Sixteen or Continue in
force Longer then three years after the said first Day of June
Seventeen hundred and Sixteen

An Act for Encouragement of Tillage and reliefe of Poor Debtors.

Be itt Enacted by the Kings most Excellent Majesty by
and with the Advice and Consent of his Majestys Governour
Councill And Assembly of this Province and the Authority of
the same that Every person or persons Inhabitants of this
province who after the end of this Session of Assembly shall
be Indebted to any person or persons whatsoever Inhabitants
of this Province in Any Sume or Sumes of Mony or Quantity
or Quantities of Tob^o by bill bond book Debt or Account or
that shall have any Judgment or Judgments given and Entered p. 75
against him or them in Any Court of Record within this
Province itt shall and may be Lawfull for such Debtor or
Debtors respectively to pay and Discharge themselves from
such Debts and Judgments when they have not the Specie for
which the said Judgm^{ts} were given by the Sevⁿ things following
being of the Growth and production of this Province (that is
to say) Beefe in well Seasoned Cask tared and the Tare on
the head sett Merchantable and well saved att three halfe
pence p pound Pork in well Seasoned Barrells or the Cask
Tared and the Tare on the head sett Merchantable and well
Saved att two pence p pound Bacon att three pence halfe
penny p pound Dried beefe att three pence p pound Wheat
att three Shillings and Six pence p Bushell Oats att two
Shillings p Bushell Barley att two Shillings p Busⁿ Indian
Corne att one Shilling and Eight pence p Busⁿ Pease att
three Shillings and Six pence p Busⁿ Beenes att two Shillings
and Six pence p Busⁿ And the Prices of the af^d Commodities
shall be rated in Tob^o att the rate of one penny p pound as
they are before rated and the Credittor and Credittors of such
Debtor or Debtors are by this Act Enjoyned and required to
Accept and take such Commodities or any of them from their

C. P. Debtor or Debtors in full Discharge of their said Debts and Judgm^{ts} if Tendered and paid att any one Convenient place in the County.

p. 76 And be itt further Enacted by the Authority Advice and Consent af^d that in Case any Credittor or Credittors who shall have Judgment or Judgments against any Debtor or Debtors and shall refuse to Accept and take from his or their Debtor or Debtors such Commodity's being of the Growth of this Province as af^d in Satisfaction of the Judgment or Judgments af^d but shall sue out Execution against the Debtor or Debtors upon the Judgment or Judgments af^d and Imprison the Debtor thereon then and itt shall and may be Lawfull to and for the Sher. in whose Custody the Debtor is and such Sher. is by this Act required to receive and take of the said Debtor his prisoner the Sevⁿ Commodities af^d or soe many of them being of the Growth of this Province as the said Debtor his prisoner shall offer to him to the full Vallue of the Debt and Costs and shall forthwith sett att Large and Discharge the said Debtor from his Imprisonment and such Credittor or Credittors shall have no other Action against such Sher but for the Comodities soe as af^d recēd paying to the Sher his fees for takeing the said Commodities.

p. 77 Provided that this Act nor Any thing therein Contained shall be Adjudged to Extend to Merchants Adventurers who trade from Great Brittain hither nor to the payment of any protested bill or bills of Ex^a that have been or shall be Drawn by any person or psons whatsoever upon Any person or persons in Great Brittain or Elsewhere out of this province to whomsoever the same be Payable but in all such Cases they shall be as they were before the Makeing of this Act Any thing in this Act to the Contrary thereof in any wise notwithstanding. This Law to Endure for three years and to the end of the next Sessions of Assembly after the three years.

An Act for secureing Merchants and others Tob^o after they have received itt and the Declareing the Altering the Marke or Quality thereof to be felony and against false packing.

Be itt Enacted by the Kings most Excellent Majesty by and with the Advice and Consent of his Majestys Governor Councill and Assembly of this Province And the Authority of the Same that from and after the publicacōn hereof Every house keeper and Inhabitant within this province having a Plantation whereon he maketh or Causeth to be made any Tob^o shall build and Erect or otherwise fitt up and make ready a good

tight house with a good Door Lock and key upon Every C. P. Plantation where such Tob° is made as af^d and Sufficient to Containe the Tob° made on Every Plantation.

And be itt ffurther Enacted by the Authority af^d that Every p. 78 Inhabitant or house keeper as af^d having a Plantation whereon he maketh or Causeth to be made any Tob° as af^d And that shall Pay away or Dispose of any Tob° to any Merchant Master of Shipp Sailor or Any other person whatsoever shall notwithstanding such Disposall or payment secure and keep the said Tob° as he would Doe his Own proper goods for and dureing the Space of one whole year Commencing from the time the Tob° was Received as af^d And if any Tob° soe received as af^d for want of such house as af^d should be Dam-nified or Stole the person Neglecting to provide such house shall make Satisfaccōn to the party that received the same. Provided always that nothing in this Act Contained shall be Construed meant or Intended to make any Inhabit^r or house keeper Lyable to any Damage which shall or may happen to any Tob° soe Left with him to keep secure through any other Casualty whatsoever.

And be itt Enacted by the Authority af^d by and with the Advice and Consent af^d that any person or persons whatsoever Merchants or Others within this Province that have att any time within twelve months Last past received Mark't or Nailed or for the future shall receive Mark or Naile any hhd or hogs-heads of Tob° within this province of any person or persons Debt^r within the Same and which hath been paid and Delivered to them for Satisfaction of their said Debts and such p. 79 Merch^u or others have upon receipt Marking and Nailing such hhd or hhds of Tob° Delivered up their bills or other Security to their respective Debtors of their said Debts or if the said Merchants or others have given releases or Discharges to their said Debtors of their said Debts and that before the said Merchants or others Could remove the said hogshhead or hogshheads of Tob° from the Debtors Tob° houses if any Sher. shall Come and seize such Tob° soe mark't and nailed as af^d that then and in Every such Case if the party refuse to make and give to the said Credittors some other full Satisfaction for their said Debts itt shall and may be Lawfull for any two of his Majestys Justices of the respective Countys within this province upon due prooffe thereof made before them of the said Debt and Sher. Seizure as af^d and the party Debtor Refuseing to make that full Satisfaccōn to their Credittors for their said Debts att the said Credittors request to Award him Execution with such Costs not Exceeding one hundred pounds of Tob° ag^t the body Goods or Chattells of such Debtor to be Executed by the Sherriffe for Satisfaction of the Credittors

c. p. Just Debt and Costs as af^d in as full and Ample Manner as if the Debt were recovered by Due Course of Law

And be itt further Enacted by the Authority Advice and
p. 80 Consent af^d that the Altering or Scratching out of the Mark of any Tob^o received and Paid in hogsheads or Altering and Changing the Quality of Tob^o in hh^d soe received or paid Either by Uncaseing or otherwise without Lawfull warrant in writeing under the hand of such person who received the same or for whose Use the same was Received and paid be Deemed and Abjudged ffelony and whosoever shall be found Guilty thereof by Confession or by Verdict of twelve men in any Court of Record within this Province shall have Judgment to restore fourfold to the party Grieved and stand in the pillory two hours dureing the Court time with his Offence fairly written in Paper and placed on the back of such Convict person. Provided that no person be prosecuted on this Act for the af^d Offence after one year and a Day from the time of the Offence Committed. And to prevent the ffraudulent practices used in packing Tob^o in hogsheads,

Be itt Enacted by the Authority Advice and Consent af^d that if Any person or persons having the possession property rule Directions Overseeing or Government of Any plantation or place where Tob^o is or shall be made shall use any falacious ffraudulent or Deceitfull means or practices to Conceale or hide any frost bitten trashy Ground Leaves or small dull
p. 81 scrubbs or any Stalks Stems wood Stones Dirt or Any other Manner of Trash or old Decayed Tob^o in the Inward parts of such hogshead when the Generality of such Tob^o as shall be packed in the Outward parts is good sound and Merchantable or that itt shall be Deemed or Adjudged by the Court or the Jury before whome such Matter shall be Tryed or Called in Question that such Packing falls within the Ancient Comon received notion of what false packing hath been hitherto reputed to be and any such hogshead or Cask of Tob^o pay or offer or tender to pay away on Any Account whatsoever that then the person or persons that shall pack or Cause to be packed any such Tob^o in any such Manner as af^d or wittingly suffer the same soe to be shall for Every hhd that they shall soe pack or Cause or wittingly Suffer to be soe packed and paid or offered or tendered to be paid away florfeit and pay the Quantity of one Thousand pounds of good sound Merchantable Tob^o in Cask the one halfe thereof to our Sovereigne Lord the King his heirs and successors towards the defraying the Charge of the County where such fact shall be Committed the other halfe to the party Grieved or in default of Prosecution by the party Grieved within three months after notice of

such fact Committed to the Informer or to him or them that shall sue for the same to be recovered in Any Court of Record within this Province by Action of Debt bill Plaint or Information wherein no Essoyne protection or wager of Law to be Allowed. C. P.

And whereas severall People may Complaine itt will be an hardship upon them to throw away all their small dull Scrubby Tob° & Ground Leaves, P. 82

Be itt Enacted by the Authority Advice and Consent af^d that if any person or persons shall pack any such Tob° in Cask or Otherwise by ittselfe without facing itt with good Tob° with designe of Deceipt and shall before saile of Such Tob° declare to the party purchaseing such Tob° the Nature and Quality thereof they shall not Incurr the penalties before in this Act Imposed on such as false pack Tob° Anything in this Act to the Contrary Notwithstanding.

An Act to declare how the forty pounds of Tob° p poll in such parishes where there is no Incumbent shall be Disposed of.

Whereas by An Act of Assembly made att a Gen^l Assembly begun and held att the Port of Annapolis the Sixteenth day of March one thousand seven hundred and one Intituled an Act for the Establishment of Religious Worship in this Province According to the Church of England and for the Maintenance of Ministers there is no provision made where there is a Vacancy or no Incumbent in a parish how or to what use the forty pounds of Tob° p poll shall be Applied, Therefore the Burgesses and Delegates of this p^rsent Gen^l Assembly pray that it may be Enacted, P. 83

And be itt Enacted by the Kings most Excellent Majesty by and with the Advice and Consent of his Majesties Governor Councill and Assembly of this Province and the Authority of the same that what Tob° of the said forty p poll hath is or shall become due in any parish where there is hath or shall be no Incumbent the said Tob° shall be Employed and Applied to and for the Uses following (that is to say) by the Vestrymen of Each respective parish who are hereby Impowered to Dispose thereof for and towards the repairing such Churches as are already built finishing and Compleating the Insides thereof as the said Vestrymen shall think fitt or for the purchaseing a pulpitt Cloath Cushion bible or Comon Prayer book or Church plate for the Use of the said Church And if Any Vestry hath already Applied or laid out the said Tob° or any part thereof to the Uses af^d such Application or Disposall is hereby Confirmed.

C. P. And be itt further Enacted by the Authority a^d by and with the Advice and Consent a^d that in any Parish where the Church is old or soe out of repair as not fitt to be made use of And shall be soe Adjudged by the Vestrymen of such
 p. 84 Parish itt shall and may be Lawfull to and for such Vestrymen to Apply the said forty pounds of Tob° p poll for the building of a new one and if itt hath or shall so happē by reason of a Long Vacancy in such Parish that there shall be no Occasion to Apply the said Tob° to the Uses a^d or if any such Tob° after such applicacōn hath or shall remaine in the hands of the Vestry the said Vestry are hereby directed and Impowered to Purchase therewith Either a plantation with a Tract of Land or a Certaine tract of Land as near and Contiguous to the Church belonging to such parishes as may be (and if there be no Church in such Parishes then to purchase a tract of Land as may be most Convenient for the Inhabitants thereof and build a Church thereon) which Plantation or Land shall be and forever remaine as a Gleebe to the Uses of the Ministers of such parish for the time being who shall be Lawfully Inducted and Appointed According to the Usage of the Church of England And this Province And if there shall happen in Any Parish to be Tob° Over and Above Answering the uses a^d itt shall be Employed to the Improvement and Stocking such Gleebe as the Vestry shall Judge most proper.

And forasmuch as by the said recited Act there is nothing Allowed to the Sher. for Collecting the said forty pounds of
 p. 85 Tob° p poll and paying the same to the Incumbent or Vestry,

Be itt Enacted by the Authority a^d that the Sher. of Each respective County shall have Allowed him or them out of the said forty pounds of Tob° p poll which they shall pay to such Vestry or Incumbent five pounds of Tob° p Cent for Collecting and paying the same and no more Any Law Statute or Usage to the Contrary notwithstanding.

An Act for the Direction of Sher. in their Offices and restraining their ill practices within this Province.

Be itt Enacted by the Kings most Excellent Majesty by and with the Advice and Consent of his Majesties Governour Councill and Assembly of this Province And the Authority of the same that no Sherriffe Under Sherriffe or Deputy Sherriffe shall Seize any Tob° Unstript or Seize or marke any Merch^u or Others Tob° received Marked and Nailed for any Cause whatsoever but only for Levies due to the publick County parish or for the forty p poll to the Minister And the Sev^u Sher^s are hereby Impowered to break the Lock of Any Tob°

house or other houses where Tob^o is or shall be secured with c. p. designe to prevent the said Sher. from Seizing the said Tob^o for Levies and dues as a^d and any Sher. soe Seizing or p. 86 Marking any hh^d or hh^{ds} of Tob^o Containing more then what is Justly Due for Levys and dues as a^d without Satisfaction to the person to whome such Tob^o doth belong as by giving Creditt or Suffering him to take the Overpluss out of such hh^d of Tob^o att the Choice of the party paying or owing the same shall pay for Every such Default the Sume of two thousand pounds of Tob^o one halfe to his Majesty his heirs and Successors for Support of Government the other halfe to the party Grieved to be recovered in any Court of Record of this Province by Action of Debt bill Plaint or Informacōn wherein no Essoyne Protection or Wager of Law to be Allowed.

And if itt shall soe happen that att any time any Sherriffe shall seize any hh^d of Tob^o which shall weigh more then such Levy or Levies or dues as a^d shall amount unto if the remaining part due to the party or parties from whome they shall receive such Levy or Levies or dues as a^d be the greater Quantity then and in Every such Case the Sherriffe or Sherriffes shall take out of the said hh^d such Quantity or Quantities of Tob^o due to him for such Levy or Levies or dues as a^d and the said hh^d and the remaining part of the Tob^o shall be and remaine with the party or parties paying the same but if the remaining part of such hhd of Tob^o so Seized as a^d and p. 87 belonging to the Party or Parties paying the same shall be the Less Quantity then is due to the Sher or Sher^e as a^d then and in Every such Case the Owner or Owners of such Tob^o shall take out of the Overplus of such Tob^o and the Hogshead with the remaining part shall belong to such Sher or Sher^e receiving the same. And whereas many Litigious persons have and for the ffuture may Comēce Actions of Tresspass upon the Case rather out of Spite and Malice then any reall Cause of Action and altho' they sett not forth in the Originall writt the Cause of Such Accōn yett lay their damage to a Vast Sume to deterr persons from being bayle for prevention whereof for the future,

Be itt Enacted by the Authority Advice & Consent a^d that in All Actions of Tresspass upon the Case where Damages are laid to be Above four thousand pounds of Tob^o if no Declaration be sent with the writt Expressing the true Cause of Action the Sherriffe shall not require a baile bond Exceeding the sume of Eight thousand pounds of Tob^o altho the Damages be mark't on the writt for any greater sume whatsoever and any sherriffe Offending herein shall fforfeit the sume

C. P. of four thousand pounds of Tob^o the one halfe thereof to his Majesty his heirs and Successors for the Support of Government the other halfe to the party Grieved to be recover'd in
 p. 88 any Court of Record of this Province by Action of Debt bill plaint or Information wherein no Essoyne Protection or wager of Law to be Allowed. And to the end that Publick Creditors may be Speedily Satisfyed their Debts due from the Publick,

Be itt Enacted by the Authority Advice and Consent af^d that Every Publick Creditor within this Province shall be Att his Election to make Application to the Governour of this Province for the time being to putt such Sher^d bond or bonds in suit or Otherwise may Immediately have an Action of Debt against such sherriffe in Any Court of Record within this Province for such Publick Tob^o as shall be due to such Creditors

And to the end that no Officer or other person may be surprized or Unjustly Molested Either upon the Account of payment or Collection of Publick dues,

Be itt likewise Enacted by the Authority af^d by and with the Advice and Consent af^d that any person or persons having publick Tob^o due to them or ffees in any Sher hands to Collect and that doe not signifie to such Sherriffe or Sherriffes their Dependence & resolution of makeing use of the same on or before the twenty fifth day of December in the year the same shall be due to him or them shall not have take or
 p. 89 demand any benefitt or Advantage by this Act Allowed for that present year and soe Every year successively nor shall the Sher. of any respective County levy by way of Execution any publick dues or Officers ffees upon the body goods or Chattells of any the Inhabitants of this province Except they have made a Demand thereof att or before the twentyeth day of ffeb^r for that present year and soe Every year successively.

And be itt alsoe Enacted by the Authority Advice and Consent af^d that any Sherriffe within this Province having in his hands publick Officers ffees to Collect shall not presume to Levy by Execution upon the body goods and Chattells of any the Inhabitants of this province any ffees to him Committed to Collect where the person or persons from whome such ffees appear to be due produce the former Sher. Receipt or Otherwise make appear the same to be paid under the fforfeiture and penalty of treble the sume Executed to the party or parties grieved to be recovered with Cost in Any Court of Record within this Province by bill Plaint or Information wherein no Essoyne protection or wager of Law to be Allowed. And forasmuch as Sherriffs bonds have been of Late years usually taken in the County Courts for the better Conveniency

of Sher. Getting Security for Ascertaining the forme whereof c. p.
for the future,

Be itt Enacted by the Authority Advice and Consent af^d
that all sher bonds hereafter to be taken throughout this
Province shall be made in Manner and forme following (That p. 90
is to say)

Maryland ss.

Know all men by these p'sents that wee A. B. of County
in the province af^d are holden and firmly bound unto our
Sovereigne Lord King George &c in the full sume and Just
Quantity of two hund^d thousand pound of good sound Mer-
chantable Leafe Tob^o and Cask to be paid to his said Majesty
his heirs and successors to the which payment well and truly
to be made wee bind our selves and Every of us our and
Every of our heirs Executors and Administrators Joyntly and
Severally for the whole and in the whole firmly by these pres-
ents Sealed with our Seale and dated the day of in
the year of his Majesties Reigne Annoq Dom 171 The
Condition of the above Obligation is such that if the Above
bounden A. B. Doe well and truely serve his Sacred Majesty
his heirs and Successors in the Office of high Sherriffe of
the County of within the province af^d and in all things
well and faithfully Execute the same office and alsoe shall
render unto his said Majesty and Other his Officers a
true faithfull and perfect Account of all and Singular his
said Majesties rights and dues And to his Officers a true
and Just Account of their ffees that he shall or may be
Intrusted with his Majesties Governour and other his Officers
within this province to receive And Collect and his Account
to his said Majesty his heirs and Successors and to his and
their Governour here for the time being for the fines and p. 91
fforfeitures and other dues belonging to his said Majestys
Governour as also his Account of all ffees Dues and sumes
of Money or Tob^o due to any the Good People within this
Province for any Sume or Sumes of money or Tob^o where-
with the said sherriffe shall be Intrusted dureing the time of
his Sheriffalty for this Present or to such of them as shall
require the same shall pass and render by the tenth day of
May next Ensueing the date hereof and in all other things as
Sherriffe of the County of shall behave himselfe well and
honestly to all persons According to the best of his power
skill and knowledge then this obligation to be Void and of
noe Effect or Else to stand in full force Strength and Virtue.

Which said bond taken in forme af^d if by the County Court
the Comⁿ thereof shall yearly Transmitt the same into the

- C. P. Secretarys Office within two months after the takeing thereof in Default Whereof the Commissioners of any County Court takeing such bond and not Causeing the same to be soe transmitted within the time as^d shall forfeit to his Majesty his heirs and Successors fifteen hundred pounds of Tob^o the one halfe whereof shall be applyed to the support of Government and the other to the Informer or such person as will sue for the same to be recovered in the Provinciaall Court of this province wherein no Essoyne protection or wager of Law shall be
- p. 92 Allowed and the said Secretary and his Chiefe Clerk of the Provinciaall Court shall be Obliged att the next Councill after receiving any sher bond or bonds into the Secretaries Office to lay the same before his Excellency the Governour of this Province for the time being for his Approbation or Disallowance of the Securitys taken by the County Courts and the said Commissioners are hereby required and Enjoyned to take new Security yearly and Every year of such Sher^s soe long as they shall Continue in the said Office and transmitt the same as as^d having a Speciall regard not to admitt any person to be Security as as^d but such as are good and Substantiall ffreeholders within their Countys and alsoe to make the Obligation of such bond soe to be taken from any Sher Answerable to the Publick Charge of their respective Counties which penalty shall not be less then two hundred thousand pounds of Tob^o as as^d
- p. 93 And for the Encouragement of such psons now bearing or that shall hereafter bear the Office of Sher. and who shall punctually Comply with the Publick Credittors, It is also hereby further Enacted by the Authority Advice and Consent as^d that itt shall and may be Lawfull for his Majesties Govern^r for the time being where no Just Complaint is made against such Sher^s to Continue and make good their Commission for the time and terme of three years Successively but no Longer.
- And be itt further Enacted by and with the Advice and Consent as^d that if any high Sher or high Sher^s being indebted to any person or psons shall refuse to discount or Allow the same out of any Publick or County Levy due from such person or persons but will notwithstanding the said Debt being due from the Sher take the body or Goods of such person in Execution [he] shall be Lyable to be prosecuted in an Action of Tresspass or false Imprisonment as the Case shall require.
- And be itt further Enacted that the high Sher of Every respective County shall be Lyable to bee sued as as^d for his own or any of his Deputys Offence or Offences against this Act and the Debts mentioned which the Sherriffe may owe to

any Inhabitant are to be Understood of such debts as are As- C. P.
signed to the Inhabitants in the Publick County or parish
Levy or forty p poll as af^d or due from the high Sher by bill
bond note or Account proved Any Law usuage or Custome
to the Contrary Notwithstanding.

And whereas there have been diverse great Complaints
from Sevⁿ parts of this Province to the Genⁿ Assembly of
Sevⁿ Sherriffs and Subsher^s that have Exacted and Extorted
great sumes of Tob^o Above their due and Lawfull fees As-
certained by the Acts of Assembly of this Province from
sevⁿ of the Inhabitants thereof and tho the Laws of this p. 94
province have Inflicted a Severe penalty upon any Officer that
shall Charge and receive more then his due fees yett the said
Officers have most Cuningly and Crafftily Evaded the said
Laws by takeing bills or writings Obligatory without Ever De-
livering any Acc^t signed under their hands as the Law Directs
soe that the party Grieved Cannot Sufficiently prove the said
Extortion And is thereby Left without remedy for prevention
whereof

Be itt Enacted by the Authority Advice and Consent af^d that
no Sher or Sub sher. within this province after the publication
of this Act in their Sevⁿ And respective Countys wherein they
Dwell shall take any bond bill or any other writing obligatory
of any person or persons upon any pretence whatsoever with-
out Endorsing the Acc^t on the back of the said bond bill or
writeing obligatory for which the same was passed And if
Any Sherriffe or Sub sher^s within this province shall dureing
the time that he remaines in his place or Office upon any
pretence whatsoever take any bond bill or writing Obligatory
without Endorsing the Acc^t on the back of the said bond bill
or writing obligatory as af^d by which itt may appear upon what
Consideration the same was taken the said bond bill or writing p. 95
obligatory shall be Void and of no Effect and the Officer or
Officers that took the same shall lose his Debt and forever
be Debarēd of sueing any other Action for the recovery of the
same any Law Statute or Usage to the Contrary in any wise
notwithstanding.

And that whereas the said Officers are prohibited from
takeing bills upon any p^tence whatsoever otherwise then as
is directed by this Act dureing the time they remaine in Office
to the Intent the said Officers may receive no Damage by the
Act of Assembly for Limitations of Actions,

Be itt further Enacted by the Authority af^d that the time the
said Officers remaine in Office shall not be reckoned or Ac-
counted in the Act of Limitation and that whereas itt has
been the practice of Sevⁿ Sherriffs of this province where a

C. P. person hath been in prison att the suit of two or three Sevⁿ Persons or hath lain for the Satisfaction of two or more Sevⁿ Judgments for the Sher to Charge Imprisonment ffees for Each Action or Judgment for prevention whereof for the future,

Be itt Enacted by the Authority af^d that itt shall not be Lawfull for any Sher within this Province to take any more ffees for keeping any prisoner tho he be in prison att the suit of two or three severall persons or for Sevⁿ Judgments then if he was in prison only att one Suite or for one Cause under
p. 96 the pains and penalties mentioned in the Act for Limittation of Officers ffees against the Offenders thereof.

And be itt further Enacted that a Certaine Act of Assembly of this Province Entituled an Act restraining the Extortions of Sher^t Sub sher^t and Deputy Commissarys made att a Sessions of Assembly begun and held att the City of Annapolis the twenty sixth day of Aprill Anno Dom. one thousand Seven hundred and four and one other Act of Assembly Entituled an Act of directions for the Sher^t Office in this Province and for the more Easy payment of the Publick and County Levy made att a Sessions of Assembly begun and held att the City of Annapolis the twenty second day of October Anno Dom. Seventeen hundred and Thirteen be and are hereby repealed and made Void.

An Act directing the Manner of Electing and Summoning Delegates and representatives to serve in succeeding Assemblies and for Ascertainning the Expences of the Councillors Delegates of Assembly and Commissioner of the provincial and County Courts of this Province.

Forasmuch as the Chiefest and only foundation and Sup-
p. 97 port of any Kingdome State or Commonwealth is the Providing Establishing and Enacting good and wholesome Laws for the good rule and Government thereof and also upon any necessary and Emergent Occasion to raise and Levy mony for the Defraying the Charges of the said Government and the Defence thereof neither of which According to the Constitution of this province can be made Ordained Established or raised but by and with the Consent of the ffreemen of this province by their severall Delegates and representatives by them freely nominated Chosen and Elected to serve for their sevⁿ Citys and Counties in a Genⁿ Assembly and for as much as the safest and best rule for this Province to follow in Electing such Delegates and representatives is the precedents of the proceedings in Parliaments in England as near as the Constitution of this province will Admitt The Governour

Councill and Delegates of this present Gen^l Assembly doe C. P.
humbly pray that it may be Enacted,

And be itt Enacted by the Kings most Excellent Majesty
by and with the Advice and Consent of his Majesty's Govern^r
Councill and Assembly of this Province and the Authority of
the same that for the future when and as often as his Excell-
ency the Governour of this province for the time being shall
upon any Accident or urgent affair of this province think fitt
to Call and Convene in Assembly and to send out writts for
Electing of Burgesses and Delegates to serve in such Assem-
bly such Writts shall Issue forth forty days att Least before
the Meeting of such Assembly the forme of which Writt for
Election of Delegates and representatives shall be as followeth

George by the Grace of God of Great Brittain France
and Ireland King Defender of the flaith &c To the Sher
of County Greeting These are to Comānd and Authorize
and Impower you Imediately upon receipt hereof to Call
together three or more Justices of your County whereof one
to be of the Quorum with the Clerk of the County Court
who are hereby required to sitt as a Court and dureing their
sitting by Virtue of your Office to make or Cause to be
made publick proclamation thereby Giving notice to all the
ffreemen of your said County who have within the said County
a ffreehold of ffifty Acres of Land who shall be residents or
have a Visible Estate of forty pounds Sterl att the Least
therein Requireing them to appear att your County Court
house att a Certaine time not Less then Ten days after such
proclamation made for Electing and Chooseing Deputys and
Delegates to Serve for your said County in a Genⁿ Assembly
to be holden att the Day of to which time you
shall Adjourn your said Court and dureing the Courts sitting
the said ffreemen so required to appear or the Major part of
such of them as shall then Appear shall and may and are
hereby Authorized and required to Elect and Choose four
Severall and sufficient ffreemen of your County Each of them
having a ffreehold of fifty Acres of Land or who shall be a
resident and have a Visible Estate of forty pounds Sterling
att the Least within your County whether the party so Elected
be present or Absent the said Election to be made in such
Manner and forme as the Laws of England and this province
doe direct and provide and you are to Insert the Names of
the said persons Elected in Certaine Indentures to be then
made between you the said Sher and the Electors (that is to
say) two Indentures for Each Delegate each Indenture having
thereto your hand and Seale and the hands and Seales of the

p. 99

c. p. severall Electors by them Subscribed that the said deputys and Delegates for themselves and the County af^d may have Severally full and sufficient power to doe and Consent to those things which then and there by the favour of God shall happen to be ordained by the Advice and Consent of the Great Councill of this Province Concerning such Occasion and Affairs as shall relate to the Government State and Defence thereof But wee will not [?] in any wise that you or any other Sher. in our said Province be Elected and that upon such Election you the said Sher so soon as Conveniently may be give notice to the parties Elected if absent and Certifie and Transmitt to the Chancellour of this province for the time being one of the two Sevⁿ and respective Indentures affixed to these presents Close sealed up and directed to the Chancellour of the said province for the time being and the
p. 100 other part of the said Indentures you are to keep for your Justification Witness &c.

And be itt ffurther Enacted by the Authority af^d by and with the Advice and Consent af^d that the af^d four Delegates to be Elected in the respective Countys within this province be and are hereby bound and Obliged to Attend att the time and Place of the meeting of such Assembly without any further writt or Summons to be to them sent under the penalty of such fines as shall bee by the house of Delegates Imposed upon them unless upon Sufficient Excuse to be admitted by the house of Delegates their Absence be dispensed with any Law usage or Custome to the Contrary notwithstanding.

Provided alsoe that no ordinary keeper within this province durement the time of his Ordinary keeping or any other person Disabled by any Laws of England from sitting in parliament shall be Elected Chosen or Serve as a Deputy or representative in the said Genⁿ Assembly soe to be hereafter Called Convened and Appointed as af^d.

And be itt further Enacted by the Authority af^d that any Sher within this pvince who shall not give Speedy notice to the Inhabitants of his County of the time and place where such Election shall be made as well by Proclamation as af^d and
p. 101 by Causeing the same to be read in all Churches Chap-pells and all other publick places within his said County as alsoe by notes thereof sett up att all places thereby the better to Informe the Inhabitants of the County requireing them under the Penalty of one hundred pounds of Tob^o to appear att such time and place appointed for Election and if any Sher as af^d who shall make or Cause to be made any undue or Illegall Election or returnes thereof or Neglect to make

returnes of the Delegates soe to be Elected by Indenture C. P.
before the day of Sitting of such Assembly pursuant to the
directions of the said writt shall for Every such fault be fined
two hundred pounds Sterl one halfe to his Majesty his heirs
and Successors for the Support of Government and the other
halfe to the Inform' or him or them that shall sue for the same
to be recovered in Any Court of Record within this province
that may have Jurisdiction of the same by Action of Debt bill
plaint or Information wherein no Essoyne protection or wager
of Law to be Allowed.

And be itt further Enacted by the Authority a^d by and with
the Advice and Consent a^d that all ffreholders ffreemen and
other persons Qualified to give Votes in the Election of Dele-
gates shall and are hereby obliged to be and appear att the
time and place appointed for Elections to be hereafter had and
made of any Delegates Burgesses and Citizens to serve in
any Assembly for this province under the penalty of one hun- p. 102
dred pounds of Tob^o for Every person soe Qualified as a^d
Neglecting to Appeare one halfe thereof to the Kings Majesty
his heirs and successⁿ for and Towards the County Charge
and the other halfe to the Informer that shall Complaine to
Any one or more Iustices or Magistrates of such Absence
which Justice or Justices or other Magistrates are hereby
Impowered to Determine such Complaints and award Execu-
tion for the said Penalty Unless such person or persons shall
att the next County Court after such Election shew Sufficient
Cause for his or their Absence to be Allowed and Approved
of by the Justices of the Sevⁿ County Courts in this province

Provided Nevertheless that this Act or any thing herein
Contained shall not Extend to be Construed to Exclude
County or Countys City or Citys Borough or Borroughs
hereafter to be Erected and made within this province from
the Liberty of such Elections of Delegates and representatives
as is before Expressed but that such writt as a^d shall upon
Calling Every Genⁿ Assembly of this province for the future
be directed to the Sher of Every such County when the same
shall be Erected and made into County as a^d and to the
Mayor or Recorder and Aldermen of Every such City or
Borough Comanding such Sherriffe or Mayor Recorder or
Aldermen to Cause four ffreemen of the said County and two p. 103
ffreemen of the said City or borough Qualifyed as in the a^d
Writt as Expressed to serve as Delegates and representatives
of the same County Citty or borough in the Genⁿ Assembly
next Insueing which said four Delegates for Every such
County and two for the Citty or borough shall from thence
forth be reputed and deemed to be Members of the house of

C. P. the Gen^l Assembly of this Province any thing in this Act In any wise to the Contrary Notwithstanding.

And for the Ascertaining and Limiting and Allowing unto the severall & respective Councillours Deputies and Delegates that serve or shall serve in the Gen^l Assembly of this province and of the Sev^l and respective Commissioners of the provinciall and County Courts of this province such sune and Sumes of Tob^o as is hereby thought necessary and sufficient for their Defraying their Charges in Attending such Assemblies and Courts,

Be itt Enacted by the Authority af^d by and with the Advice and Consent af^d that all such Councill^{rs} be Allowed the sune of one hundred and fifty pounds of Tob^o p Day and the Delegates and Burgesses of Assembly shall be Allowed the Sume of one hundred and forty pounds of Tob^o p Day dureing the time they shall Attend such Assemblies and no more (besides their Itinerant Charges) to be paid and Allowed them out of
p. 104 the Publick Levy of this Province and the Sev^l and respective Commissioners of the Provinciall Court for their Defraying their Charges and Expences dureing the time they shall sitt in and Attend such Courts the Sume of one hundred and forty pounds of Tob^o p Day and no more besides their Itinerant Charges to be paid them Likewise out of the Publick Levy of this Province as af^d and the Sev^l Commissioners of the County Courts shall be Allowed for the defraying their Expences dureing the time they shall Sitt and Attend such Court as af^d the Sume of Eighty pounds of Tob^o p Day and no more which Sume of Eighty pounds of Tob^o as af^d the Commissioners of the County Courts are hereby Impower'd to Assess and Levy on the Taxable persons of the Severall Countys where such Comm^{rs} shall serve as af^d for the defraying the Expences af^d and no more.

An Act for the Appointment of Constables and what relates to their Office and Ascertaining what persons are Taxables.

Be itt Enacted by the Kings most Excellent Majesty by and with the Advice and Consent of his Majestys Governour Councill and Assembly of this province and the Authority of the same that the Justices of Peace in every respective County of this province att the first County Court held after Michael-
p. 105 mass shall appoint Constables in Each of their sev^l and respective Counties and the said Constables soe appointed shall before they Enter into that office take the sev^l Oaths Appointed to be taken by all Officers by the Acts of Assembly

of this province and the Oath of a Constable in forme following (That is to say) You, A. B. shall well and truly Serve our Sovereign Lord the King in the Office of a Constable you shall see and Cause that his Majestys peace be well and duly kept According to your power you shall arrest all such persons as in your presence shall Comitt any riott ffray or other Breach of his Majestys Peace you shall doe your best Endeavour upon Complaint to you made to Seize all felons Barrettors Rioters or persons Riotously Assembled and if Any such Offend^r shall make any resistance with force you shall Levy hue and Cry and Cause them to be pursued soe as they may be taken you shall doe your best Endeavour that hue and Cry be duly raised and pursued ag^t Murtherers Thieves or other ffellons and fugitive Serv^{ts} and the Laws and orders against Vagabonds and such other Idle persons Comeing within your Limitts be duly put in Execution att your County Courts you shall soe farr as in you Lies Put in Execution the Act of Assembly against Prophane Curseing Swearing and Drunkenness and alsoe true presentment make of all blood Shedd^s Affrays outcry's rescues and other Offences Committed Against his Majesties Peace within your Limitts you shall well and truly Execute all Precepts and warrants to you directed from the Justices of the peace of this County or higher Officers and you shall well and truly According to your power knowledge and Ability doe and Execute all things belonging to the Office of a Constable so long as you shall Continue in this Office—Soe help you God—and if the person or persons soe Appointed shall before any Justice of the Peace refuse to take the Severall oaths a^d or shall refuse to Provide a Sufficient person to supply his place by Serving in the said office and taking the oaths a^d that then such person soe refuseing shall be fined to his Majesty his heirs and Successors in the Sume of five hundred pounds of Tob^o towards the Defraying the publick Charge of that County and that such Justice of Peace before whome such refusall shall be made shall Issue his Warrant to the Sher. to Levy the said fine by Distress and Saile of the Goods and Chattells of such person soe fined as a^d returning to him the Overpluss which said Sher. is hereby Impowered and required to Levy the same Accordingly and render an Account thereof to the Justices of Peace of that County att the time of the laying the County Levy. p. 106

And be itt Enacted by the Authority a^d by and with the Advice and Consent a^d that Every Constable shall on or before the twentyeth day of June in Every Year respectively repair in person to Every house or habitation within his p. 107

C. P. hundred and there require of the Master Mistress dame or other Chiefe person of the ffamily a true list from under their hands of all their Taxable persons distinctly to be named they and Every of them have within their respective ffamilys out of which list the said Constable shall make two fair Lists under his hand and one he shall send to the Sher of the County and the other he shall present to the next County Court to be sett up and in Case any Master Mistress Dame or other Chiefe person of a family shall refuse deny or Delay to give such List or in their absence Leave att their Dwelling houses or Quarters such a List and Account of their Taxable persons of their Severall ffamily's or in the said Account shall Conceale any Taxable Person or Persons in his or their ffamily for Every such Offence or not giving a true list or Account of them as af^d to the Constable by the time required and for Every Taxable person by them Concealed shall florfeit and Pay the sume of five hundred pounds of Tob^o for Every such offence one halfe thereof to his Maj^{ty} his heirs and successors for the support of Government the other halfe to the Informer or him or them that will sue for the same to be recovered in
p. 108 any County Court within this Province by Action of Debt bill Plaint or Information wherein no Essoyne protection or wager of Law to bee Allowed. And for the better Ascertainning what persons are and shall be Deemed Taxables and what not,

Be itt Enacted that all male persons residents in this Province and all female Slaves therein of the age of Sixteen years or Above shall be Accounted Taxables (Except Clergymen of the Church of England having Benefices within this Province and likewise such poor people as receive Almes from the County and alsoe all such slaves as shall be Adjudged by the County Court to be past Labour who are hereby Exempted Any Law Usage or Custome to the Contrary notwithstanding.

And be itt further Enacted by the Authority af^d by and with the Advice and Consent af^d that all Constables within this Province shall obey and are hereby oblided to Execute all warr^{ts} and Precepts to them directed from any Justice or Justices within this Province touching or Concerning Any Matter debt or Demand between party and party and such Constable shall and may have take Exact and receive from the party Complaining a ffee of two shillings and Six pence
p. 109 Currant Money or thirty pounds of Tob^o for Serving all the precepts relating to Any one Action Matter or Demand and no more.

Provided that where Severall Constables are to be Employed in Executeing precepts relating to one and the same Matter or Demand the Justice before whome such Matter and

Demand is Determined shall & may Direct what fee not C. P.
Exceeding Two shillings and Six pence or thirty pounds of
Tob^o Each Constable shall have which fee or fees are to be
Levyed by way of Execution on the party Complaining and
to be Allowed the party recovering in his Costs.

An Act for the ordering and regulating the Militia of this
Province for the better Defence and Security thereof.

Be itt Enacted by the Kings most Excellent Majesty by and
with the Advice and Consent of his Majestys Governour
Councill and Assembly of this Province and the Authority of the
same that from and after the end of this present Sessions of As-
sembly the Militia of this Province shall be mustered Trained
and Exercized According to these directions and Instructions
following (Viz) That Every Collonell Lieutenant Coll Major
or Captaine of horse or foot Allready Commissioned or here-
after to be Commissioned by his Excellency the Governour p. 110
of this province for the time being shall have power to Enlist
such and soe many Inhabiting within this Province not here-
after Excepted in their sevⁿ and respective Divisions between
sixteen and Sixty years of Age as they shall think fitt by as
Equall proportions of the said Inhabitants as possible they
Can to be of Militia or Trainbands of this province which said
persons soe Enlisted they shall Muster Exercize and Train in
and att such Places and all such Certaine times as to them
shall seeme Meet and as the Service Safety or Defence of
this province shall require or as his Excellency the Govern^r of
this Province or Commander in Chiefe for the time being
shall see Cause to Order & that Every such Collonell Lieuten^t
Coll Major or Captaine shall give notice or Summons upon
Every training or Mustering to Every person soe Enlisted as
af^d within his respective Division or Limitt att the head of his
Company or att the house of the party by an officer of his
Company or warr^t under his hand to appeare att such time
and place as he shall appoint for such Training or Mustering
and that if any man after such Notice given and Summons as
af^d shall neglect to appear att the time and place Appointed
as af^d or that refuse when he hath soe appeared to be Enlisted
into the Militia and Trainbands af^d or that being soe Enlisted
shall not from time to time as he shall be summoned or warned
as af^d Appear and bring with him one Good Serviceable Gunn p. 111
fixt with Six Charges of Gunpowder shall for Every such
Offence (if a freeman) forfeit and pay the Sume of one hun-
dred pounds of Tob^o and if a Servant Letten or hindered by
his Master Mistress or Overseer, then such Master Mistress

- C. P. or Overseer to pay the like Sum of one hundred pounds of Tob^o for Every Serv^t soe letted or hindred as af^d for the Use of the troop or foot Company to which he belongs to purchase Drums Colours and other Necessarys for the Troop or Company as the field Officers of the said Militia in that County or any Two of them shall Direct.

Provided that this Clause be not Construed to Countenance any Officer to press armes or Amunition for Any further Expedition then Training but that upon all such occasions they shall be supplied out of the County Magazine or Store all which fforfeitures shall be heard Adjudged and Determined by the Collonell Lieuten^t Coll. Major or Any two of them and an Account thereof kept in writing by the Clerk of such Troop or Comp^a which said Coll Lieuten^t Coll or Major of such County or any two of them as af^d is hereby Authorized and Impowered to Award Execution against the body Goods & Chattells of such persons soe neglecting refuseing or failing as af^d and that upon Occasion of all such Executions the respective Clerks and Sher^s of Each respective County within this province shall Issue out and serve Execution without fee or reward.

- p. 112 And for Settling the horse forces that a Captaine of horses in Each respective County for making up of his troop shall Enlist his number of Men out of the Inhabitants of the said County According to such Instructions as he shall from time to time receive from the Governour of this Province or the Coll of the County for the time being

Provided allways that such Troopers shall ride their Own horses and that no person shall be a trooper without he be the owner of a good Serviceable horse which shall pass Muster And that such Troopers in Consideration of their great pay here after to be allowed be bound and obliged [to find] themselves with good able and sufficient ffurniture for their horses and likewise to find themselves with Swords Carabines Pistolls holsters and Amunition and if any Trooper shall neglect or refuse upon Notice given them as af^d to the foot Souldiers [to] Appear and muster att the time and Place Appointed as af^d by Each respective Captaine of horse Accountred as af^d required as af^d shall fforfeit and pay one hundred pounds of Tob^o to be Levyed as af^d to the use of the troop for purchasing of Trumpetts and Colours and other neccessarys as the Comānder shall think fitt and that all such Troopers for and in Consideration af^d att all such Times as they shall be out ranging shall find their own provisions but when in Actuell service to be found provisions att the Charge of this province

- p. 113 to be Paid by the Publick And if itt shall happen that any

Troopers horse shall be killed in the Service then the said C. P. Trooper to be paid for the said horse by the Publick And not Otherwise. That all persons in holy orders Delegates Magistrates and Constables shall in their Proper persons be Exempted from being Compelled to Muster and Train Either in horse or foot dureing such time as they Officiate or bear such Offices as af^d

Provided that this Clause shall not Extend to such persons as already have or shall hereafter Accept of Commissions for Military Service from the Gover^r of this Province for the time being soe as to Discharge such persons from their respective Charges mentioned in such their Sevⁿ and respective Commissions.

And be itt Enacted by the Authority af^d that all Negroes and Slaves whatsoever shall be Exempted the Duty of training or other Military Service that the pay for the Officers and Souldiers of the foot and horse af^d be not other then is hereafter Mentioned and for no longer time then such Officers And souldiers shall be in Actuall Services viz. To Every Coll of foot two Thous^d pounds of Tob^o p month to Every Lieute^t Colonell of foot fifteen hundred pounds of Tob^o p month To a Major of foot twelve hundred pounds of Tob^o p month To a Capⁿ of foot one thous^d p month To a Lieuten^t of foot seven hundred pounds of Tob^o p month To An Ensigne six hundred pounds of Tob^o p month To a Sergeant four hundred pounds of Tob^o p month To a Corporall four hundred pounds of Tob^o p Month To a Drumer four hundred pounds of Tob^o p Month To Every Private Souldier Three hundred pounds of Tob^o p month To Every Major Gen^l Chiefe Comāder in the field three thousand pounds of Tob^o p month And that Every Collonell of horse have two thousand three hundred pounds of Tob^o p month To Every Lieuten^t Collonell of horse Eighteen hundred pounds of Tob^o p Month a Major of horse have fifteen hundred pounds of Tob^o p month a Cap^t of horse to be Allowed thirteen hundred pounds of Tob^o p month a Lieuten^t of horse to be Allowed One thousand pounds of Tob^o p month to a Cornet nine hundred pounds of Tob^o p month To a Quarter Master Seven hund^d pounds of Tob^o p month To a Corporall seven hund^d pounds of Tob^o p Month To a Trumpeter seven hundred pounds of Tob^o p Month To Every private Trooper Six hundred pounds of Tob^o p Month and that all these rates and Allowances for such Officers and Souldiers af^d shall be Allowed and paid & no more and the Months afore mentioned to be Accounted Computed and reckoned According to Cal-
lender And not Otherwise.

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C. P. And to the Intent that whensoever itt shall Appeare to the Govern^r or Commander in Chiefe of this Province for the time being and his Councill to be Necessary to raise forces for the Suppressing of Any fforreigne Invasion or Domestick Insurrection or Rebellion or Any warr with Any Indians that the a^d Officers and Souldiers may be duly paid According to the Proportions a^d And all other Charges and Expences for the Charge and Management of such Warr may be Duly Paid and Discharged without which this Province Cannot be Defended and secured.

Be itt Enacted by the Authority a^d that from hence forth all such Necessary Charges of such warr and Souldiers pay as a^d shall be paid Discharged and Defrayed by a Publick Levy by an Equall Assessment upon the Taxables of this province by the Consent of the freemen of this province by their representatives in a Gen^l Assembly or Out of the publick Treasure of this province And no otherwise whatsoever.

And to the Intent that the Inhabitants of this province may not be Abused by having their Goods and provisions prest by Loose or Idle persons and many Times abuse their Commissioners and the people,

p. 116 Be itt further Enacted by the Authority a^d that from henceforth the Commissioners of Each respective County shall yearly and Every year, Viz: Between the twenty ninth Day of September and the twenty fifth day of Dec^r Nominate and Appoint two honest and Substantiall men of their County to be press Masters for the year Ensueing and if any one Dye or Depart the County or be lame or Sick within that time that then the next Justice of Peace to Nominate and Appoint Another in his Stead that if occasion require they And no other shall Impress Victualls And other things given them in Charge to be prest by Warr^t from his Excellency the Govern^r or Comāder in Chiefe for the time being. And if Any others but press Masters soe Appointed shall presume upon p^tence of any Power as a Press Master to Seize take Press or Carry away any Goods or Commodities of Any the Inhabitants of this province he or they shall pay to the party Grieved treble the Val of the goods or Commodities soe as a^d Unjustly pressed.

Provided that no press master or any person or persons whatsoever shall presume att any time to Seize Press or Carry away from the Inhabitants residents in this province any Armes or Ammunition of any kind whatsoever upon any Duty or Service or upon Any Account whatsoever Unless by order of
p. 117 the Govern^r or Commander in Chiefe of this province for the time being under the penalty a^d Any Law Statute or Usage to the Contrary hereof in any wise notwithstanding.

And be itt Likewise Enacted by the Authority a^d that the Com^m of Any County Court within this Province who shall not between the twenty seventh day of September and the twenty fifth day of December in Each respective year by precept from the County Court Signed by the Clerk of the Court nominate And Appoint Such and soe many Press Masters for Every County as a^d shall Each of them fforfeit and pay unto his Majesty his heirs and Successors for the Support of Governm^t the Sum of five hundred pounds of Tob^o And such press Masters who shall be soe Nominated and Appointed as a^d by such Precept as a^d to him or them Directed and shall thereupon refuse or Neglect to serve and truly Performe and Execute the said place and office of Press master shall forfeit and pay unto his Maj^{ty} his heirs and Successors for the support of Governm^t for Every time he or they soe nominated and Appointed shall refuse to serve as a^d the Sum of five hundred pounds of Tob^o And for the better Encouragm^t of such Souldiers as shall in the time of Warr Adventure in the Service of the Country and in Defence thereof against Indians and others—

Be itt Enacted by the Authority a^d that the booty Prize p 118 Pillage or Plunder of any Indian or other Seized or taken prisoner shall be by the Com^mander in Chiefe bestowed on Such Officer Souldier or Souldiers takeing and Seizing the Same. And for the better Encouragement of such Souldiers as shall Adventure their Lives in the Service and Defence of this Province and for Provision of some reasonable pension to be for the future Settled on such Souldiers as shall happen to be maimed or rendered Incapable to get a livlyhood for themselves or ffamily—

Be itt Enacted by the Authority Advice and Consent a^d that Every person that shall Adventure as a souldier in any Warr or Defence of this province and shall therein happen to be maimed or receive hurt soe as to be rendered Incapable of Getting a Livlyhood as a^d shall According to his Disability receive a yearly pension to be raised out of the publick Levy of this province dureing the time of such his Disability and for Every person Slain in the Service of this province leaving behind him a wife or Children there shall alsoe be Allowed a Competent pension to the wife dureing her widdowhood and the Children 'till they be of years able to gett their Living or be put out Apprentices and that this pension be yearly paid p 119 and Allowed out of the fifty thousand pounds of Tob^o p Annum to be raised by the Govern^r of this Province for the time being or the Councill as in this Act is hereafter provided in the Intervalls of Assembly the party petitioning for such

- C P. pensions And Allowances procureing a Certificate from the County Court where he she or they live that he she or they are objects of Charity And deserve to have such pension And Allowance.

And be itt flurther Enacted by the Authority a^d that if upon any florreigne Invasion any person or persons whatsoever (Except before Excepted) that shall be Pressed or be An Enlisted Souldier within this Province shall upon the Command of his Officer being a Captain att the least Obstinate refuse to Appear and Serve in Armes for the Necessary Defence of this Province such person or persons so Obstinate refusing to Appear and Serve in Armes as a^d shall upon Certificate thereof Under such Officers hand as a^d to the next Justice of the Peace of the County where such Party Liveth be proceeded against In Manner following (That is to say) the same Justice of Peace to whome such Certificate as a^d shall be made shall Imediately Issue out a Warr^t to the Constable of the hundred where such Party Liveth to Apprehend him and bring
 p. 120 himselfe or some other Justice of the Peace of the same County there to render Sufficient Excuse if any he hath for such his refusall or non Appearance as a^d and if the Justice of Peace shall not find the Excuse of such person in such Case to be reasonable and sufficient then he shall Imediately Comitt such pson to the Custody of the Sher of such County there to remain untill he shall find surety to Appear att the next Provinciaall Court to be held for this province there to be Proceeded against According to the Due Course of Law and if thereupon he shall be Convict of such Obstinate refusall or Disobedience as a^d he shall be fined and Imprisoned According to the Directions of the Justices of the Provinciaall Court. And for the preventing of the Great Charges of Annuall Assemblies who may meet for no other Occasion but to Lay the Publick Levy in time of Peace—

Be itt Enacted by the Authority a^d that the Govern^r and Councill Dureing the Intervalls of Assembly for the Defraying and payment of the small Charges of this province be & are hereby Impowered to Assess the same Equally to be Levyed upon all the Inhabitants of this pvince for the Defraying the said small Charges in time of Peace as a^d Any thing in this Act to the Contrary notwithstanding.

- p. 121 Provided always and itt is the true Intent and Meaning of this Act the said Sumes for the small Charges of this Province soe to be Assessed by the Govern^r And Councill upon the Inhabitants of this Province as a^d Exceed not in Any one Year the sume of fifty Thous^d pounds of Tob^o And the Disbursements of the same Tob^o to be Accounted for att the next

Gen^l Assembly after the raising and Disbursing the said Tob^o c p. as aforesaid.

And be itt further Enacted by the Authority a^d that all Souldiers hereafter to be Employed in Any Publick Service within this Province be paid in the respective Countys where the said Souldiers live.

And be itt further Enacted that Every Cap^t Lieuten^t Cornett or Ensigne refusing or Neglecting to Appear att the time and place Appointed for training or mustering shall be fined as a^d for Every time he or they shall refuse or Neglect to Appeare the Sume of Two hundred pounds of Tob^o to be Applied to the Use of the troop or Company where the person soe fined doth belong as a^d to be heard Adjudged Determined and Levied by way of Execution as a^d.

An Account of all which fines the sev^l and respective Majors of the Sev^l and respective Counties are hereby Oblidg^d to render to the Govern^r and Councill Yearly on pain of forfeiting the sume of five hundred pounds of Tob^o to be Applied to the Uses a^d And to be heard Adjudged Determined and levied by the Collonell or Lieutenant Collonell by way of Execution as a^d p. 122

This Act to Endure for three years And to the end of the next Sessions of Assembly after the end of the said three years.

An Act Relating to Serv^{ts} and Slaves.

Whereas there have been Sev^l Acts provided against Servants runaways which have hereto proved Ineffectuall in regard they doe not Sufficiently provide Encouragem^t for such person or persons Inhabitants of this province as should seize such Runaways or Servants by this Act Deemed Runaways therefore for the better Discovery Seizing And Apprehending of such Runaways—

Be itt Enacted by the Kings most Excellent Majesty by and with the Advice and Consent of his Majestys Govern^r Councill and Assembly of this Province and the Authority of the same that from and after the Publication hereof no Servant or Servants whatsoever within this Province whether by Indenture or According to the Custome of the Country or hired for wages shall travell by Land or by Water ten Miles from the house of his her or their Master Mistress or Dame without a note Under their hands or Under the hand of his or their Overseer if any be Under the penalty of being taken for a runaway And to Suffer such Penalties as are hereafter provided Against Runaways. p. 123

C. P. And itt is hereby further Enacted by the Authority Advice and Consent af^d that any Servant or Servants Unlawfully absenting him her or themselves from his her or their said Master Mistress Dame or Overseer shall make such Satisfaction by servitude or other ways att the Discretion of the Justices of the County Court where such Runaway Serv^t Did dwell not Exceeding ten days service for Any one days absence with such Reasonable Cost for his her or their taking up as the Court shall think ffitt, Be itt before or after the Expiration of such Servants first time of Servitude by Indenture or Otherwise.

Be itt further Enacted by the Authority Advice and Consent af^d that any person or persons whatso^r that shall wittingly or willingly Entertaine any such Servant or Slave Unlawfully Absenting him her or themselves as af^d shall be fined five hundred pounds of Tob^o for Every Night or twenty four hours that such person or persons shall give such Entertainment as af^d the one halfe to his Majesty his heirs and Successors for the Support of Governm^t and the other halfe to the Informer or him or them that shall sue for the same to be recovered in Any County Court of this Province by Action of Debt bill Plaint or Information wherein no Ensoyne protection or wager of Law to be allowed.

p. 124 And be itt further Enacted that if any ffree Negroe or Mollatto shall harbour or Entertaine any such Servant or slave as af^d in Every such Case he or they soe Offending shall fforfeit and pay as af^d for Every such offence the Sum of one thousand pounds of Tob^o the one halfe to our Sovereigne Lord the King his heirs and Successors for the Use of the ffree schooles the other halfe to the party Grieved to be recovered as af^d. And if any such Offending Negroe or Mollato hath not an Estate Sufficient wherewith Imediately to Satisfie and pay such penalty as af^d Itt shall and may be Lawfull for the Justices before whome such Matter is tryed to order Satisfaction by Servitude or otherwise as to them shall seeme Meet.

And for the better Discovery of Runaways,

Be itt hereby further Enacted by the Authority Advice and Consent af^d that any person or psons whatsoever within this province Travelling out of the County where he she or they shall reside or Live (without a pass under the seale of the said County for which they are to pay ten pounds of Tob^o or one shilling in money) such person or persons if Apprehended not being Sufficiently known or able to give a good Account of themselves shall be left to the Discretion and Judgment of
p. 125 such Magistrate or Magistrates before whome such person or

persons as a^d shall be brought to Judge thereof. And if before C. P. such Magistrate such person or persons soe taken up shall be Deemed and taken as a Runaway or Runaways he she or they shall suffer such fines and Penalties as are hereby Provided Against Runaways. And for the better Encouragm^t of all p^{er}sons to Seize and take up such Runaways.

It is hereby further Enacted by the Authority Advice and Consent a^d that all and Every such person or persons as a^d seizing or taking up such Runaways Travelling without Passes as a^d not being able to give a Sufficient Account of themselves as a^d shall have and receive two hundred pounds of Tob^o to be paid by the Owner of such Runaway Servant Negroe or slave so Apprehended and taken up And if such Suspected Runaway or Runaways be not Servants and refuse to pay the same he she or they shall make Satisfaccōn by Servitude or Otherwise as the Justices of the Provinciaall and County Courts where such person shall be soe Apprehended and taken up shall think fitt. And for the better Discovery of and Encouragement of our neighbouring Indians to Seize Apprehend or take up any Runaway Servants or Slaves and bring them before a Magistrate they shall for a reward have a Matchcoat paid him or them or the Value thereof which said reward shall be paid and Satisfyed by the County where such person shall be soe Apprehended and such Runaway if not a Slave to reimburse the said County by Servitude or otherwise as the Justices of the Provinciaall or County Court shall think fitt. p. 126

And be itt further Enacted by the Authority Advice and Consent a^d that att what time so ever any of the said persons Runaways shall be Seized by any person or persons within this province such person or persons soe Apprehending or Seizing the same shall bring or Cause him her or them to be brought before the next Magistrate or Justice of the County where such Runaway is apprehended who is hereby Impow^{er}ed to take into Custody or otherwise him her or them to secure and Dispose of as he shall think fitt untill such p^{er}son or p^{er}sons soe Seized and apprehended shall give good and sufficient security to Answer the premisses at the next Court that shall first Ensue in the said County which Court shall secure such person or persons till he or they can make Satisfaction to the party that shall soe apprehend or Seize such Runaway or other persons as by this Act is required Except such person shall make Satisfaction as a^d before such Court shall happen And that notice may be Conveniently given to the Master Mistress Dame or Overseer of Runaways taken up as a^d the Commissioners of the Countys shall forthwith Cause a note of the Runaways name So Seized and Apprehended as a^d to be set up att the next Adjacent County

C. P. Courts and att the Provinciaall Court and Secretaries Office
 p. 127 that all persons may View the same and see where such their
 Servants are and in whose Custody. And furthermore for
 Ascertainning what Each servant According to the Custome
 of the Country shall have att the Expiration of their Servitude—

Be itt Enacted by the Authority Advice and Consent af^d
 that Every man Servant shall att such Time of Expiration of
 his Servitude as af^d have Allowed and given him one new
 hatt a Good Suite (that is to say) Coat and briches Either of
 Kersey or broadcloath one new Shift of white Linin one new
 pair of ffrench fall Shoes and Stockings two hoes and one Ax
 and one Gun of Twenty Shillings price not above four foot
 by the Barrell nor less then Three and a halfe which said
 Gun shall by the Master or Mistress in the Presence of the
 next Justice of Peace be Delivered to such ffreeman under
 the penalty of five hundred pounds of Tob^o for such Master
 or Mistress omitting soe to doe And the like penalty on the
 said ffreeman selling or Disposeing thereof within the Space
 of twelve months the one halfe whereof to our Sovereigne
 Lord the King his heirs and Successors the other to the
 Informer All women Servants att the Expiration of their Ser-
 vitude as af^d shall have Allowed and Given a wastcoat and
 pettycoat of New halfe thick or penistone a new Shift of white
 Linin Shoes and Stockings a blew apron two Caps of white
 Linin and three Barrells of Indian Corn.

p. 128 And be itt further Enacted by the Authority Advice and
 Consent af^d that no pson whatsoever shall trade Barter
 Commerce or any ways deale with any Servant whether hired
 or Indented or Slave belonging or Appertaining to any
 Inhabitant within this province without Leave or License first
 had and obtained from such Servants Master Mistress Dame
 or Overseer for his soe Doing Under the Penalty of two
 thousand pounds of Tob^o the one halfe thereof to his Majesty
 his heirs and Successors for the Support of Government the
 other halfe to the Master Mistress or true Owners of such
 Goods soe purloyned Bartered or Conveyed away when
 proved by Sufficient Witness or Confession of the party to
 be recovered in any Court of Record of this province by
 Action of Debt bill plaint or Information wherein no Essoyne
 protection or wager of Law to be Allowed.

And be itt further Enacted by the Authority Advice and
 Consent af^d that if the Goods soe traded or Bartered for as af^d
 shall Exceed the Summe of one thousand pounds of Tob^o then
 the party or parties whose goods shall be Imbezelled or bar-
 tered away as af^d shall have his Action att Law for the Dam-
 age Sustained against the person or persons so offending Deal-

ing or bartering for the same Any thing in this Act to the Con- c. p.
trary Notwithstanding.

And in Case such person or persons soe Offending shall not p. 129
be able to Satisfie the same then such pson or psons shall be
bound over by some one Justice of the peace and put in se-
curity either to App^r Att the next Prov^l or County Court
where upon Conviction by Confession or Sufficient Witness
the offender shall be punished by Whipping on the bare back
with thirty stripes.

And for the Ascertaining and Limitting Servants times of
Servitude,

Be itt Enacted by the Authority Advice and Cons^t af^d that
whosoever shall transport any Serv^t into this province with-
out Indenture such Serv^t being above the age of twenty two
years shall be obliged to serve the full time of five years if be-
tween Eighteen and twenty two years without Indentures six
years if between fifteen and Eighteen without Indentures seven
years if under fifteen without Indentures shall serve till he or
they arrive att the full age of twenty two years. And be itt
further Enacted by the Authority Advice and Cons^t af^d that all
serv^{ts} Transported out of Virginia into this province shall
Compleat their time of servitude here which they ought to
have served in Virginia and no more.

And be itt further Enacted by the Authority Advice and
Cons^t af^d that Every Master Mistress dame Assignee or Trus-
tee whatso^r Owning or keeping any such serv^{ts} as af^d whether
by Vertue of Transportation purchase or otherwise shall within
six months after the receiving such Serv^{ts} into their Custody
within this province Except he she or they Claime but five years p. 130
service of such Serv^{ts} bring the said Serv^{ts} into the respective
County Courts where they doe Inhabitt And Every of the said
Courts are hereby Authorized to Judge and determine of the
Age of such Serv^{ts} soe brought and Cause the same to be En-
tered upon Record And Every owner Neglecting as af^d or re-
fuseing to bring such Serv^t or Serv^{ts} before the Court as af^d shall
not only stand to the determination of the Court but alsoe for-
feite the sume of one thousand p^{ds} of Tob^o to the King his heirs
and success^{rs} for the Support of Governm^t and if any Master
or Serv^{ts} af^d be grieved with the determinacōn of the Court
he shall within the time determined for their service produce
an Authentick Cert. of such Serv^{ts} Age and shall have remedy
to the aforementioned ages and forasmuch as Disputes have
formerly arose att what time serv^{ts} times of Servitude whether
by Indenture or Otherwise should Commence,

Be itt Enacted by the Authority Advice and Consent af^d that
all servants Transported into this province whether by Inden-

C. P. ture or otherwise and soe bound or Adjudged as af^d shall
 Comence there time of Servitude from the first Anchoring of
 their Vessell within this province. Provided that the said Ves-
 sell tarry not above fourteen days after her Entry within the
 Capes and her first Anchorage within this province and all
 the days such Ship or Ships shall tarry in Virginia above four-
 p. 131 teen days shall be Adjudged part of the service of such servant
 which shall be afterwards brought into Maryland and there sold
 any Law Usage or Custome to the Contrary notwithstanding.

And be itt also Enacted by the Authority Advice and Con-
 sent af^d that Every Indenture made by Any Servant dureing
 the time of his service by former Indenture or Judgm^t of the
 County Court According to the tenor of this Act shall be Void
 and not any ways oblidge any Servant for Longer time then
 by his first Indenture or Judgment of the Court shall be Lim-
 itted and Appointed.

And be itt further Enacted by the Authority Advice and
 Consent af^d that for all such runaway Servants or Slaves that
 shall be Apprehended and taken up in the province of Pen-
 sylvania or Colony of Virginia and from thence brought into
 this Province And Delivered unto a Magistrate of the County
 into which they shall be brought the person for soe doing shall
 have paid and Allowed him by the Master or owner of such
 Runaway four hundred pounds of Tob^o and Cask or forty shil-
 lings in Mony upon his produceing a Certificate from the Jus-
 tice or Sher. of the Delivery of such Runaway Except Servants
 or Runaways brought from Accomack into Somersett County
 p. 132 for such only two hundred pounds of Tob^o or twenty Shillings
 And the like from that side of Virginia next the River Poto-
 mack for which said sume or sumes paid such Runaway shall
 make Satisfaction when ffree by Service or Otherwise besides
 what shall be Adjudged as a recompence for the Absence of
 such runaway Servant as af^d as the Court shall Adjudge but
 if such person soe Apprehended brought and Delivered as
 af^d be a ffreeman and refuse to pay such sume or Sumes of
 Tob^o or Money then and in such Case the Magistrate before
 whome he or she shall be brought shall forthwith Comitt the
 said person soe refusing to Prison till he or she give Suffi-
 cient Security or make full Satisfaction by Servitude or other-
 wise.

And be itt further Enacted by the Authority af^d that if any
 Master or Mistress of Any Servant whatsoever or Overseer
 by order or Consent of any such Master or Mistress shall
 Deny and not provide sufficient meat Drink Lodging &
 Cloathing or shall Unreasonably burthen them beyond their
 Strength with Labour or Debarr them of their Necessary rest

and Sleep or Excessively beat and Abuse them or shall give *C. P.* them above Ten Lashes for any one Offence the same being sufficiently proved before the Justices of the County Courts the said Justices have hereby full power and Authority for the first and second Offence to Levy such fine upon such Offender as to them shall seeme meet not Exceeding one thousand pounds *p. 133* of Tob^o to the Use of his Maj^{ty} his heirs and successors for the Support of Government and for the third Offence to sett such Servant soe wronged att Liberty and ffree from Servitude. But in Case the Master or Owner of any such Servant shall think that he or they Deserves a greater Correction then the said Master or Owner of such Servant or Servants shall or may Carry them before any Justice of the Peace who hearing the Complaint shall order such Correction as he shall think fitt not Exceeding thirty nine Lashes for any one Offence.

And be itt alsoe Enacted by the Authority a^d that all Negroes and other Slaves Already Imported or hereafter to be Imported in this province and all Children now born or hereafter to be born of such Negroes and Slaves shall be Slaves dureing their naturall lives.

And for as much as many people have Neglected to baptize their Negroes or Suffer them to be baptized on a Vain Apprehension that Negroes by receiving the Sacrament of Baptism are Manumitted and sett ffree,

Be itt hereby further Declared and Enacted by and with the Authority Advice and Consent a^d that no Negroe or Negroes by receiving the holy Sacrament of Baptism is hereby Manumitted or sett free nor hath any right or title to freedom or Manumission more then he or they had before any Law *p. 134* usage or Custome to the Contrary Notwithstanding.

And be itt further Enacted that all Ministers pastors and Magistrates or other persons whatsoever who According to the Laws of this province doe Usually Joyne people in Maryage shall not upon any pretence Joyne in Maryage Any Negroe whatsoever or Molatto Slave with any white person on the penalty of five thousand pounds of Tob^o the one halfe to his Majesty his heirs and Successors for the Use of ffree schools the other halfe to the Informer or him or them that shall sue for the same to be recovered in any Court of Record of this province by Action of Debt bill plaint or Information wherein no Essoyne protection or Wager of Law to be Allowed.

And be itt further Enacted by the Authority a^d that any white woman whether ffree or a Servant that shall Suffer herselfe to be got with Child by a negroe or other Slave or ffree negroe such woman soe begott with Child as a^d if ffree shall

C. P. become a servant for and dureing a terme of Seven years if a
 Servant shall finish her time of Servitude together with the
 Damage that shall Accrue to such person to whome she is a
 Servant by Occasion of any Child or Children begotten as
 as^d in the time of her Servitude as as^d And after such Satis-
 P. 135 faction made shall againe become a Servant for & During the
 Terme of Seven years as^d And if such begetter of such Child
 as as^d be a ffree Negroe he shall become a Servant for and
 dureing the terme of Seven years as as^d to be Adjudged by the
 Justices of the County Court where such fact is Comitted
 According to this Law in the Clause made and provided
 against such Servants as have bastards and the Issues or
 Children of such Unnaturall and Inordinate Copulations shall
 be Servants till they Arrive att the Age of thirty one years
 and any white man that shall begett any Negroe woman with
 Child whether ffree woman or Servant shall Undergoe the
 same penalties as white women all which times of Servitude
 by this Act Imposed upon the persons having soe Offended
 to be disposed of or Employed as the Justices of such County
 shall think fitt the produce whereof shall be Appropriated
 towards Defraying the County Charge.

And be itt further Enacted by the Authority as^d that any
 Servant woman having a bastard Child And not able Suffi-
 ciently to prove the party Charged to bee the begetter of
 such Child in Every such case the Mother of such Child shall
 be Lyable to Satisfy the Damage so sustained by Servitude
 or otherwise as the Court before whome such Matter is brought
 shall see Convenient. Provided that where the Mother of
 Any such Child as as^d doe prove the Charge by sufficient
 P. 136 Testimony of Witness Confession of the party Charged or
 pregnant Circumstances agreeing with her Declaration in her
 Extremity of her paines or throws of Travail and her Oath
 taken by some Magistrate before the time of her Delivery of
 Every such bastard Child or after her delivery then the party
 Charged if a Servant shall Satisfie halfe the Damage if a
 freeman shall Satisfie the whole Damage by Servitude or
 otherwise as the Court before whome such Matter is brought
 as as^d shall think fitt but if the said freeman Cannot be brought
 to Justice then and in Every such Case she shall make the
 same Satisfaction as if she Could not prove the begetter as
 as^d And if any such Mother as as^d be able to prove by such
 Testimony or Confession of the party Charged that he being
 a Single person and a ffreeman did before the begetting of
 such Child promise her marriage that then he shall be att his
 Choice Either to performe his promise to her or recompence
 her abuse according as the Court before whome such Matter
 is brought shall Adjudge.

And be itt further Enacted by the Authority Advice and Consent ^{C. P.} ^{af^d} that after the end of this Sessions of Assembly itt shall and may be Lawfull for the provinciall and County Courts of this province to hear and Determine Any Complaints between Masters and Servants by way of petition to give Judgment and Award Execution upon the same and that upon Appeale or writt of Error brought upon the same from any County Court of this province to the provinciall Court or from the provinciall Court to the Governour and Councill no such Judgment shall be reversed for want of Judiciall process or that the same was not tryed by a Jury or any matter of forme Either in the Entry or giving Judgment provided that itt Appears by the Record that the Defendant was Legally Sumioned and not Condemned unheard. And ^{p. 137}

Be itt further Enacted by the Authority ^{af^d} that if Any Matter of Dispute Arises Concerning Servants Imported into this province or any Servant that binds himselfe for years within this province or any bound out by the County Courts of this province in relation to their Indentures Contracts or wages or any other Matter of Difference between the said Master and Servant the same shall be tryed heard and Determined by Petition as ^{af^d} Any Law Statute or Usage to the Contrary Notwithstanding.

And be itt Enacted by the Authority Advice and Consent ^{af^d} that no Negroe or other Slave within this province shall be permitted to Carry any Gun or Any other Offensive weapon from off their Masters Land without License from their said Master and if any Negroe or other slave shall presume soe to doe he shall be Lyable to be Carryed before a Justice of Peace And be whipt and his Gun or other Offensive weapon shall be forfeited to him that shall seize the Same and Carry such Negroe soe Offending before the Justice of Peace. ^{p. 138}

And be itt Enacted by the Authority ^{af^d} by and with the Advice and Consent ^{af^d} that from and after the end of this Sessions of Assembly any Servant or Servants whatsoever within this province that shall feloniously take or purloyne his or their Master Mistress or Dames Goods or Chattells under the Value of one thousand pounds of tob^o shall be Ajudged [guilty of] Felony and being thereof Lawfully Convict in any County Court of this province shall be Ajudged to pay four times the Value of such goods soe purloyned to his or their Master Mistress or Dame which he she or they shall make good by Servitude after the Expiration of their first time of Service and shall alsoe Suffer such pains of Whipping or Pillorying as the Justices before whome such Matter is brought shall Adjudge.

C. P. And be itt further Enacted by the Authority Advice and Consent af^d that when any person or persons (Except Negroes
 p. 139 and Molatto's) shall be found Travelling without passes as af^d and shall be taken up as Suspected runaways and by any Justice of peace Comitted to the Custody of any Sher or Jayler within this province itt shall not be Lawfull for any such Sher or Jayler to hold such person in Custody Longer then Six months And if such person Can att any time within the s^d Six months procure a Certificate or other Justification that he or She is no Servant he or she shall and may by Order of any two Justices of the County where such person is Comitted to prison be Discharged from any further Imprisonment he She or they Serving such Sher or Goaler or his Assignes soe many Days as he she or they were in Custody of such Sher. or Goaler or otherwise paying ten pounds of Tob^o p Day to such Sher. or Jayler for their Imprisonment fees and no more and paying unto such person or persons who took up such person two hundred pounds of Tob^o or Serving him her or them twenty Days in Lieu thereof and if any such Sher. or Jayler shall Detaine such person in prison after such Order of two Justices as af^d or the Expiration of Six months and payment of ten pounds of Tob^o p Day as af^d such Sher or Jayler shall be Lyable to An Action of false Imprisonment Any Law Statute or Usage to the Contrary Notwithstanding.

p. 140 An Act to Confirme and make Valid in Law all Mañer of process and proceedings in the Sevⁿ Courts of this province from the Demise of her late Majesty, Queen Anne of Pious Memory to the end of this present Sessions of Assembly.

Whereas by the great Distance between this province and the Kingdome of Great Brittain itt was not Possible to have notice of the Demise of our Late Sovereigne Lady Queen Anne of pious Memory which happened on the first of August Last untill severall months were Elapsed dureing which space of time many and Various proceedings were had and made in the Severall Courts of Justice in this province and Judgments Decrees and Sentences awarded on Sundry writts pleas Indictments Informations bills Suites and Actions in her said Majestys Name and by her Authority which by reason of his present Majesty our now Sovereigne Lord King Georges Accession to the Crown which Could not be notified are Subject and Lyable to be reversed by writts of Error or Otherwise wherefore this Genⁿ Assembly doe humbly pray that it may be Enacted—

And be itt Enacted by the Kings most Excellent Majesty C. P. by and with the Advice and Consent of his Majestys Govern^r Councill And Assembly of this province And the Authority of the same that all writts Pleas process Actions bills Suits Indictments Informations Judgments Decrees and Sentences given or Awarded of and Concerning any Matter or thing whatsoever which were sued or prosecuted to Judgment in any of the Courts of Record Chancery Commissaries and Admiralty's Courts within this province att any time or times from the Demise of her Late Maj^{ty} Queen Anne of blessed Memory to the end of this Sessions of Assembly notwithstanding the Demise of the said Queen or the want of Any Jurisdiction or Authority in the said Courts shall be good and Effectuall in Law to all Intents Constructions and purposes whatsoever. p. 141

Provided always that this Act nor any thing therein Contained shall not be Construed to Extend to take away such Erōrs in Law as shall or may Arise upon the Missueing of process misleading and Erroneous rend'ring of Judgment in point of Law but in all such Cases the parties Grieved may have their writt or writts of Error upon such Erroneous Judgments as they might have had before the makeing of this Act.

An Act Ascertaining the height of ffences to prevent the Evill Occasioned by the Multitude of horses And restraining horse rangers within this Province and to redress the great Evill Accrueing to this Province by the Multiplicity of useless horses Mares and Colts that run in the woods.

Be itt Enacted by the Kings Most Excellent Majesty by and with the Advice and Consent of his Majesties Governour Councill and Assembly of this province and the Authority of the same that all inclosures by fences or otherwise within the Intention of this Act herein after mentioned shall be five foot high and from and after the first day of May till the next tenth day of November next and soe yearly and Every year all Owners of any horse horses Mares Colts and Geldings shall and are hereby obliged to keep all such horse or horses Mares Colts or Geldings within good and Sufficient Enclosures ffenced Grounds or pastures upon the paines and penalties hereafter following. p. 142

And be itt further Enacted by the Authority af^d by and with the Advice and Cons^t af^d that if the Owner or Owners of any such horse or horses Mares Colts or Geldings as af^d shall Omitt to take up Drive in and keep up all such horses Mares Colts or Geldings And that such horses mares Colts or Geldings shall break into the pastures Cornfields or other Inclos-

C. P. ures of any Inhabitants within this province within the time by this Act Limited as af^d the said Owner or Owners thereof having notice or warning thereof given him her or them two Sevⁿ times by the party Grievd and notwithstanding the Owner or Owners of such horse or horses Mares Colts or Geldings as af^d Neglecting to performe what is by this Law In-
 p. 143 joynd And required that then itt shall and may be Lawfull for the person grievd and Damnified to shoot kill or Destroy any such horse or horses Mares Colts or Geldings as af^d.

Provided always that no person whatsoever tho' grievd or Damnified shall presume to shoote kill or Destroy any such horse or horses as af^d Except upon his or their proper Inclosed grounds within his or their Lawfull possession by Lease for years yearly rent or other Lawfull tenure upon the penalty of paying the Owner thereof the full Value of such horse Gelding Mare or Colt soe killed or Destroyed to be recovered by Action of Tresspass or Action on the Case in Any County Court of this Province.

And be itt further Enacted by the Authority af^d by and with the Advice and Consent af^d that when Ever any horse Mare or Gelding shall break into any Cornfield or other Inclosure and the Owner be not known that then and in all such Cases itt shall and may be Lawfull for the party Aggrieved to take up such horse Mare or Gelding soe Tresspassing and the same to Carry before the next Magistrate who shall be Obligated to take an Account of the Mark of such beasts both Naturall and Artificiall which the party Aggriev'd shall sett up in the most
 p. 144 publick places in the same County and Untill the Owner shall be known itt shall and may be Lawfull for such Injured person to use and Employ such horses Mares and Geldings without Incurring the penalties in this Act herein after Imposed not Injuring such beast by any Careless or willfull means which beast shall be Delivered in good order to the person owning the same proving his property by the Testimony of one witness before Any Magistrate.

And be itt further Enacted by the Authority af^d by and with the Advice and Consent af^d that whosoever shall Unlawfully and without the knowledge and Consent of the Owner take another mans horse Mare or Gelding and the same keep one hour in his possession Except such horse Mare or Gelding be found a Tresspassing as af^d and the Owner not known and such horse Mare or Gelding shall without Consent af^d Occupy in any Labour or Travell shall not only pay Damages to the Owner but shall fforfeit and pay the Summe of five hundred pounds of Tob^o one halfe to the Informer the other halfe to the party Grievd to be recovered in any County Court of this

province by Action of Debt bill plaint or Information wherein C. P. no Essoine protection or Wager of Law to be Allowed.

And forasmuch as Diverse Complaints are made of the p. 145 Abuses Committed by such persons that have Obtained Commissions from the Govern^r to range the woods and forests after wild neat Cattle and horses it is prayed that itt may be Enacted,

And be itt Enacted by the Authority Advice and Consent a^d that itt shall not be Lawfull for any person after the End of this present Sessions of Assembly to make Application to the Governour for the time being to grant a Commission to range as a^d Except such person produce a Certificate from under the hands of the Justices of the County Courts where the said person is to range Setting forth that he is of good fame.

And be itt further Enacted by the Authority a^d by and with the Advice and Cons^t a^d that no person Commissionated as a^d shall Depute any person as a Deputy to Range the woods and fforests after wild neat Cattle or horses as a^d Except such person be likewise Approved of by the Justices of the County in which he is to range as a Deputy.

And forasmuch as itt is necessary to Declare att what age horses mares and Cattle shall be Deemed wild—

Be itt Enacted by the Authority a^d by and with the Advice and Consent a^d that itt shall not be Lawfull for any Ranger p. 146 within this province to take up and Mark or Otherwise Dispose of any Unmark't horse Mare bull or Cow which shall not Exceed the Age of three years Under penalty of Suffering as any other person ought that hath not such Comission Any Law Usage or Custome to the Contrary notwithstanding.

And be itt further Enacted by the Authority a^d by and with the Advice and Consent a^d that the Justices in Each respective County within this province shall yearly and Every year att their County Courts in the Months of November and March dureing the Continuance of this Act Cause itt to be read in open Court and Likewise give itt in Charge to the Grand Jury's to Enquire of any breaches thereof Comitted by wood ranger in that County.

And be itt further Enacted by the Authority a^d by and with the Advice and Consent a^d that no person whatsoever shall presume to range in the woods or fforests after wild neat Cattle or horses without a License from the Govern^r in Chiefe for the time being Under the penalty of five thousand pounds of Tob^o for Every such before mentioned wild Creature that Every such Unlicensed Ranger shall kill take or Convey away alive or Dead one halfe to his Majesty his heirs and p. 147 Successors for the Support of Governm^t of this province the

C. P. other halfe to the Informer or him or them that shall sue for the same by Action of Debt bill plaint or Information in Any Court of Record in this province wherein no Essoyne protection or wager of Law to be Allowed.

And be itt further Enacted by the Authority af^d that if Any Ranger or his Deputy shall presume to Range take up or kill any wild neat Cattle horse or Mare in Any Island or Islands pasture or other Inclosed Ground belonging to any the Inhabitants of this province without the Leave of the Owner of the Same he shall fforfeit for Every beast soe taken up or killed as af^d the sume of five thousand pounds of Tob^o the one halfe to his Sacred Majesty his heirs and Successors towards the Defraying the County Charge where the said Offence or Offences is Comitted the other part to the party grieved or to him her or them that shall sue for the same to be recovered as af^d.

And whereas the Extravagant Multitude of Useless horses Mares & Colts that run in the woods are found Very pernicious and burthensome to the Inhabitants of this province Itt is thought necessary that some Suitable remedy be provided in that behalfe and Therefore

p. 148 Be itt Enacted by the Authority af^d by and with the Advice and Consent af^d that from and after the end of this present Sessions of Assembly all Stoned horses shall be kept within good and Sufficient Inclosures and in Case any Stoned horse or horses that have been taken up and broke fitt for use shall happen to be found loose and out of Such Inclosures itt shall and may be Lawfull for any person or persons whatsoever to take up and Impound Or Cause to be taken up and Impounded in some open pound and there to Detaine him on the risque of the Owner thereof or Cause him to be Soe Detained untill the Owner or Owners of Such horse having Speedy and Convenient notice of such Impounding shall Satisfie Unto the person soe Impounding or Causeing such horse to be Impounded the sume of five Shillings or Sixty pounds of Tob^o.

And that in Case any Stoned Colt above Eighteen months old or Stoned horse Unbroke shall att any time after the end of this present Sessions of Assembly be found Loose in the woods or out of such Inclosure itt shall and may be Lawfull for any person whatsoever to Shoote or Otherwise kill & Destroy such horse or Colt without being Accountable or Answerable to the Owner or Owners of such horse or Colt or any other person or persons whatsoever in Any Accōn or Suite whatsoever and in Case any person or psons shall att any time be sued for any such Shooting killing or Destroying
p. 149 as af^d itt shall and may be Lawfull for such person to give

this Act in Evidence upon the Gen^l Issue Any Law Statute or C. P. Custome to the Contrary notwithstanding.

And be itt further Enacted by the Authority Advice and Consent a^d that after the end of this present Sessions of Assembly itt shall not be Lawfull for any person not having Land of his Own not renting a plantation to keep any breeding Mare or Mares in the woods upon the penalty of Six hundred pounds of Tob^o for Every breeding mare by such person owned & kept the one halfe of which fines to goe to his Majesty towards Defraying the County Charge where such Offendor shall reside the other halfe to the Informer or him or them that shall sue for the same to be recovered by Action of Debt bill Plaint or Information wherein no Essoyne protection or wager of Law to be Allowed.

An Act relateing to the Standard of English Weights and Measures.

Whereas the Standard of English weights and Measures are Very much Impaired in Severall of the Countys of this province and in some wholly lost & Unfitt for use—

Be itt Enacted by the Kings most Excellent Majesty by ^{p. 150} and with the Advice and Consent of his Majesties Governour Councill and Assembly of this province and the Authority of the Same that the Justices of the Sev^l County Courts shall by all Convenient Speed att the Charge of their respective Countys Cause the Standards they already have to be made Compleat And purchase New Standards where they have none And for the better preservation of them for the future that they take good and Sufficient Security in his Majesties Name to the use of the County where taken from the persons that shall be Intrusted by them to keep such Standard in the penall Summe of fifty pounds Sterling for the Safe keeping such Standard and for the Due Execution of the Office of Standard keeper and for the Delivery of the Same up in the like good order they receive the Same when they shall be Legally Discharged from such trust under the penalty of five hundred pounds of Tob^o for Each Justice of that County Court that shall omitt to doe what is required of them by this Act the one halfe to his Majesty his heirs and Successors for the Support of Government the other halfe to the Informer or to him or them that shall sue for the same to be recovered in the Provinciaall Court of this province ag^t such Justices Joyntly or Severally by Action of Debt bill plaint or Information wherein no Essoyne protection or wager of Law to be Allowed.

And be itt further Enacted by the Authority a^d by and ^{p. 151}

C. P. with the Advice and Cons^t as^d that all persons whether Inhabitants or florreigners shall repair and bring their Stilliards with which they weigh and receive their Tob^o to the Standard yearly and Every year to be tryed Stampt and numbered for which they are to pay the person keeping the Standard one Shilling for Every time such Stilliards shall be Tryed and Stampt as as^d and Every person or persons shall have their Bushell halfe Bushell Peck Gallon Pottle Quart and pint if they make Use of the Same or Any of them in buying or Selling duly Tryed and Stampt att the Standard as^d Except such of the Measures as^d as come out of England and are there Stampt for which trying and Stamping they shall pay sixteen a peice.

And whosoever shall presume to sell by any Dry measures without first having the said Measures tryed and Stampt att the Standard shall forfeit the sume of five hundred pounds of Tob^o.

And whosoever likewise shall presume to weigh and receive Tob^o by Stilliards which have not within one year past from such weighing and receiving been Tryed and Stampt att the Standard shall florfeit one thousand pounds of Tob^o the one halfe of which aforementioned florfeitures to be paid to his Majesty his heirs and Successors towards the Defraying the
 p. 152 Charge of the County where the Offendor shall Dwell or reside and the other halfe to the Informer or Informers to be recovered in Any County Court of this province by bill plaint or Information wherein no Essoyne protection or Wager of Law to be Allowed. And if any Person or psons shall refuse to pay any Tob^o by such Stilliards tryed and Stampd as as^d and shall thereby Compell the Owner to have them tryed over againe within the year if the Stilliards are true Such person soe refusing or Compelling as as^d shall pay for the new Stamping but if not the owners of the Stilliards to pay for the Same.

An Act against Imbezelmēt of Wills or Records within this province.

Forasmuch as there is not any Sufficient Remedy provided against such as shall Imbezell Alter or raze any Records of Deeds for Conveying of Land within this province or any will or Records of wills or other deeds or Instruments that shall any ways touch or Concerne the Estate of Inheritance or ffreehold of any person whatsoever and for that itt is found Necessary to make some provision against such Evill practices—

Be itt therefore Enacted by the Kings most Excellent C. P. Majesty by and with the Advice and Consent of his Majesties Govern^r Councill and Assembly of this province and the Authority of the Same that in Case any person whatsoever shall att any time hereafter be Legally Convicted by Confession or otherwise of willfully or Corruptly Imbezelling Impairing razeing or Altering any will or Record within this province whereby the Estate of Inheritance or ffreehold of any person whatsoever shall be Defeated Injured or any ways altered such person soe Convict shall forfeit all his goods and Chattells Lands and Tenements the one halfe to our Sovereigne Lord the king his heirs & Successors for the Support of Governm^t the Other halfe to the party Grieved and shall alsoe be sett in the Pillory for the space of Two hours and have both Ears nailed thereto and Cut from off his head. p. 153

An Act appointing certaine days on which the Sevⁿ and respective County Courts within this province are to be held.

To the Intent that Court days may be Ascertained and that the Commission^r of and Suitors to the County Courts may know when to Attend—

Be itt Enacted by the Kings most Excellent Majesty by and with the Advice and Consent of his Maj^{ty} Govern^r Councill and Assembly of this province and the Authority of the Same That for the future there shall be held four County Courts in the year, Viz. Talbott, Baltemore and S^t Maries County the first Tuesday in March June August and November Dorchester Cecill Ann Arundⁿ and Charles County the second tuesday in March June Aug^t and November In Kent Calvert and Somersett County the third tuesday in March June August and November In Queen Anns and prince Georges County the fourth Tuesday in March June August and November and that any two Justices of the Sevⁿ and Respective County Courts af^d whereof one to be of the Quorum shall have full power and Authority when and as Often as need shall require to Adjourne the said County Courts process and proceedings therein Depending to such Short time after as they shall see Convenient and that the severall Justices of the respective County Courts shall from the end of June Court next Adjourne their Sevⁿ Courts to the Sevⁿ Days hereafter Appointed and that one former Act of Assembly of this province Entituled an Act Appointing Court Days in Each respective County within this province and Every Clause therein be and are hereby repealed. p. 154

- C. P. An Act prohibiting the Carrying of Liquors to the Indian Towns or Selling any Quan^{ty} of Strong Liquors to the Indians to prevent Differences between them and his Maj^{ty} Subjects and
 p. 155 to punish the transporters of any friend Indian or Indians out of this province.

Be itt Enacted by the Kings most Excellent Majesty by and with the Advice and Consent of his Majesties Govern^r Council and Assembly of this province and the Authority of the same that from and after the publication hereof any person or persons whatsoever Inhabitting or Trading into this province that shall presume to Cary any Liquors whatsoever to any Indian fort or Town and shall Vend or Dispose of the same to any Indian or Indians whatsoever such person or p^{er}sons shall forfeit the Sume of five thousand pounds of Tob^o one halfe to our Sovereigne Lord the King his heirs and Successors towards the Support of Government the other halfe to him or them that shall Informe or Sue for the Same to be recovered in any Court of Record within this province by Action of Debt bill plaint or Information wherein no Essoyne protection or wager of Law to be Allowed. And whereas itt is represented to this Gen^l Assemby that of Late Sev^l Disorders and riotts have been Comitted by Drunken Indians in Order to prevent Such like future Misfeazances and Outrages—

- Be itt Enacted by the Authority Advice and Consent a^d that if Any person or persons whatsoever from and after the end of this present Sessions of Assembly shall by himse^{lf} or
 p. 156 Servant or otherwise Directly or Indirectly Vend or Sell to any Indian or Indians in the Space of one day above one Gallon of Rum wine brandy or Spiritts or above five Gallons of Cyder Perry Quince drink or Strong beer such person or persons being Convicted thereof shall florfeit the Sume of Three thousand pounds of Tob^o to our Sovereigne Lord the Kings Majesty his heirs And Successors the one halfe thereof to be Applied towards Defraying the County Charge the other halfe to him or them that shall sue for the Same to be recovered in any Court of Record within this province by Action of Debt bill plaint or Information wherein no Essoyne protection or wager of Law to be Allowed. And forasmuch as it is Very Observable and Manifest that Sundry ill Disposed persons have oftentimes by Spreading Lies and false reports raised and fomented Unaccountable heats and Jealousies between the Indians & his Majesties Subjects of this province for the prevention of the said ill practices for the future—

Be itt Enacted by the Authority Advice and Consent a^d that if any person or persons whatsoever shall wittingly or willingly raise Spread and Utter any false feigned Stories

or reports whatsoever tending to the disquiēt of the Indians C. P. or making feuds between them and his Majesties Subjects of this province or shall Endeavour by any Sinister or unwarrantable meanes whatsoever to raise or Create any p. 157 misunderstanding or Difference between his Majesties Subjects and the said Indians Every such person or persons Convict of any such Offence or Offences shall forfeit unto our Sovereigne Lord the King his heirs and Successors five hundred pounds of Tob^o the one halfe thereof to his Majesty his heirs and Successors for the defraying the County Charge and the other halfe to him or them that shall informe or Sue for the same in any County Court within this province to be recovered as a^d

Provided that this Act or Any thing therein contained shall not be Construed to Extend to the hindrance of any person or persons whatsoever from relating or giving an Information to any Justice of the peace or to the Commander in Chiefe of the Militia in any County within this province of any Difference they shall know or hear of betwixt his Majestys leige people and the Indians or Amoungst the Indians themselves or of any Cause of Suspicion of such Difference whether Signified by words or Actions.

And be itt further Enacted by the Authority a^d that itt shall not be Lawfull for any of his Majestys Subjects to buy or purchase from any Indian or Indians whatsoever any Gunns or Matchcoats for Liquor upon paine of Returning to the Indian or Indians such Gunns or Matchcoats by them purchased and alsoe of Loseing the price Value or worth of the Liquors sold p. 158 them for such Gunns or Matchcoates nor shall any of his Majesties Subjects whatsoever Trust any Indian or Indians for Liquors or take any pawn or pawns from them on any pretence whatsoever on paine of Loseing their debt for such Liquors so Creditted to the Indians as a^d and being obliged to returne the Indians pawns as a^d without any reward or Satisfaction therefore Any Law Statute Usage or Custome to the Contrary Notwithstanding.

And to the end that no breach of peace may happen between the neighbouring Indians and the Inhabitants of this province—

Be itt Enacted by the Authority a^d that any person or persons whatsoever that shall take Entice Surprize Sell or Transport or cause to be sold or Transported out of this province or Otherwise Dispose of any ffriend Indian or Indians whatsoever or attempt or Endeavour soe to doe without license from the Govern^r for the time being and all Accessarys therto shall be fined and Imprisoned att the Discretion of the Govern^r and Councill for the time being and that any person or persons

C. P. whatsoever that shall Informe against or Cause such Offend^r or Offend^{rs} to be apprehended shall have such Satisfaction therefore as the Govern^r and Councill shall think fitt.

P. 159 And be itt further Enacted that the Govern^r for the time being may as Occasion shall require appoint in any County within this province three good and Discreet persons whereof any Two shall and may hear and determine all or any such Matters of Controversey as shall arise between any the Indians and the Inhabitants of this province as to him itt shall seem meet.

An Act for takeing Speciall baile in the Severall Counties of this province upon actions or Suits Depending in his Majestys provinciall Court and in the Severall County Courts of this province—ffor the greater case and benefitt of all persons Inhabitting or residing within this province in takeing recognizances of Speciall baile in all Actions and Suits Depending or to be Depending in his Majestys provinciall County Courts of this province.

Be itt Enacted by the Kings most Excellent Majesty by and with the Advice and Consent of his Majesties Govern^r Councill and Assembly of this province and the Authority of the same that itt shall and may be Lawfull to and for the Defend^r in any Writt Issued or to be Issued out of the Provinciall Court after Arrest and baile given to the Sherriffe for his Appearance and before the returne of such writts to goe before any one of the Justices of the Provinciall Court or P. 160 before the president or any two Justices of the County Court where such Defendant shall be Arrested with two sufficient ffreeholders of this province such as the Justice or Justices before whome such Defendant shall goe shall Approve of and then and there give Speciall bayle to any Action wherein he shall be soe Arrested by Virtue of such writt which baile soe taken shall be delivered to the Sherriffe of such County where the same is taken to be by him returned with such writt to the Provinciall Court.

And be itt further Enacted by the Authority af^d by and with the Advice and Cons^t af^d that when speciall bayle is required in the Provinciall Court by the Plaintiffs Attorney att the calling over the appearance dockett and that the party against whome the rule is given that he shall give Speciall bayle be present the party Defendant shall then and there give Speciall baile in Open Court and shall be deemed to be in the Custody of the Sher that Arrested him in that Action till he give Speciall baile as af^d but if the said party Defendant be not able

att the provinciall Court to procure such Speciall baile then C. P.
the said party shall be and remaine in the Custody of the same
Sher that Arrested him and by him in Safe custody kept
guarded & Carryed back into the County where the Defend-
ant was Arrested and there in Safe Custody kept till he Can p. 161
procure such Speciall baile. And for the greater Ease of make-
ing and taking recognizances of such Speciall baile itt shall
and may be Lawfull for one of the Justices of the Provinciall
Court of this province or for the president or any two Justices
of the County Court to take and receive Every such recogniz-
ance of baile as any person or psons who shall bee deemed
by him or them Sufficient Sureties shall be willing or desirous
to Acknowledge or make before him or them in the County
in any Action or Suite Depending or hereafter to be depend-
ing in the said provinciall Court which recognizance soe re-
quired to be taken as well before as after the returne of the
writt shall be taken in such Manner and forme as followeth
Viz—John Doe plaintiffe & Richard Roe Defend^t You A. B.
& C. D. and Either of you doe Undertake for the said Richard
Roe Defend^t in To be Levyed on your and Either of your
Lands and Tenements goods and Chattells to the Use of the
said John Doe the plaintiffe upon Condition that if the said
John doe do Obtaine Judgm^t in An Action of Depending
in the provinciall Court Against the said Richard Roe the De-
fend^t that then the said Richard Roe shall pay the Condem-
nation of the Court thereupon or deliver himselfe to the Cus-
tody of the Sher of County in Satisfaction thereof or you
or one of you will doe itt for him they Acknowledge them-
selves to be Content therewith this day of before me
To the Hon^{ble} the Justices of the Provinciall Court which p. 162
said recognizance of baile soe taken as af^d shall be transmitted
to the Justices of the said provinciall Court Sitting when and
where such Action or Suite shall be depending togeather with
a warr^t of Attorney Signed by the said Defendant soe giving
baile directed to some or any one of the Attorneys of the
Provinciall Court af^d which recognizance of baile soe taken as
af^d the said Court shall receive upon an Appearance Entred
for the said Defendant by any one of the Attorneys of the
said Court pursuant to such warrant Saving to the Sev^l
Officers their Lawfull ffees as have been received for the taking
Speciall baile in Court and shall be of Like force and Effect
as if the same were taken de bene Esse before the Justices of
the Provinciall Court dureing their Setting for taking of Every
such recognizance of baile such Justices of the Provinciall
Court or president or any two Justices of the County Court
that shall take such baile shall receive only the sume of five
Shil and no more.

C. P. And be itt further Enacted by the Authority af^d that the Justices of the provin^l Court shall make such rules and orders for the Justifying of such bailes and making the same Absolute as to them shall seem meet so as the Cognizer or Cognizers of such baile or bailes be not Compelled to appear in person in the provin^l Court to Justifie him or themselves.

p. 163 And itt is hereby further Enacted by the Authority Advice and Consent af^d that such Justices of the provinciall or County Courts before whome any recognizance of bayle may happen to be Taken shall have and power is hereby given them to Examine the Sureties upon oath touching the Value of their respective Estates for the better Satisfaction of the Justice or Justices that shall take the same bayle any Law Usage Custom or practice to the Contrary notwithstanding.

And be itt further Enacted that any Justice or Justice of any County Court shall and may on Application to them made by any person or persons whatsoever on any Action brought or hereafter to be brought in any County Court of this province take any Speciall bayle According to the rules before Directed for Taking Speciall bayle to any Actions brought in the provinciall Court for the Taking of which said recognizance of bayle in the County Court the said Justice shall receive as a ffee or reward the Sume of Two Shil and Six pence and no more and the said Justices of the Sev^l County Courts upon receiving the bayle to be given as af^d shall act and doe in all things According to the power by this Act given to the Justices of the provinciall Court af^d and the bayle soe by them Taken shall be as Effectuall to all Intents and purposes in the County Court as the bayles before Directed shall be in the provinciall Court any Law Statute usage Custom or practice to the Contrary Notwithstanding.

p. 164

An Act for the Speedy Tryall of Criminalls and Ascertaining their punishm^t in the County Courts when prosecuted there and for paym^t of ffees due from Criminall persons. Whereas many Acts of Assembly hath been heretofore made against Thieving and Stealing which att this present are not Sufficent to prevent the Comitting those Crimes or to punish them when Comitted.

Be itt therefore Enacted by the Kings most Excellent Majesty by and with the Advice and Consent of his Majesties Govern^r Councill and Assembly of this Province and the Authority of the Same that itt shall and may be Lawfull to and for the severall Justices of the County Courts of this province to hold plea of Adjudge and in Lawfull Manner Determine

all thieving and Stealing of any Goods or Chattells whatso^r C. P. not being above the Value of one Thousand pounds of Tob^o (Robbery Burglary and house breaking Excepted) And Every person or persons Legally Convicted of any such Thieving and Stealing (Except before Excepted) by Testimony of one Sufficient Evidence not being the party Grieved before any such County Court as a^d shall and may Cause to be punished by paying four fold of the Value of the goods soe thieved or p. 165 Stolen as a^d and the Stolen goods returned to the party or parties grieved thereby and by puting in the Pillory and whipping soe many Stripes as the Court before whome such Matter is Tryed shall Adjudge (not Exceeding fforty) which Court shall always Adjudge the Value of the goods soe thieved and Stolen as a^d and if any such person soe Convicted have not Sufficient goods and Chattells or be a Servant whereby he is Incapable to have goods and Chattells to Satisfie and pay the said four fold in Every such Case such person or persons shall receive the Corporall punishm^t as a^d and Satisfie the four fold and ffees of Conviction by Servitude.

And be itt hereby Enacted and declared by the Authority Advice and Consent a^d that the time of Service of a free person Convict as a^d not having goods and Chattells as a^d shall Commence from the time of his Conviction as a^d and the time of Service of a Servant Convict as a^d shall Commence att the Expiration of such Time of Servitude to which att the time of his Conviction he stood bound which time of Servitude for Satisfaccōn for the Stolen goods and ffees accrued as a^d shall be Adjudged by such County Court Either to the party grieved or any other person the Court shall order such Convict to that will then and there pay or Secure to be paid the four fold and Costs aforesaid att the discretion of the Court and if any person or persons shall receive or take part of such p. 166 Stolen goods or Assist the person soe Stealing as a^d to make away or Conceale them being Legally Convicted as a^d shall Suffer the Same Corporall paines with the party Stealing as a^d any Law Statute usage or Custome to the Contrary notwithstanding. And if any person or persons have been once Convicted of any such Thieving and Stealing (Except before Excepted) and shall after be againe presented for thieving and Stealing of any goods or Chattells laid to be above the Value of Twelve pence It shall not be Tryed and Determined by any County Court but the party presented upon such presentment shall be proceeded against in the provinciall Court as a felon for simple ffelony but shall not be punished by death but only paying the four fold branding with an hot Iron or such other Corporall punishment as the Court shall Adjudge Saving Life and such presentm^t shall be by the Clerk of Every such

- c. p. County Court Immediately Sent to the then next provinciall Court Together with a Transcript of his former Conviction if such Conviction was in the same Court where the presentment af^d shall be or otherwise made known to the Attorney Gen^l in what other Court such former Conviction was if to him known under the penalty of five hundred pounds of Tob^o to our Sovereigne Lord the king his heirs and Successors for the Support of Government and the party's Witnesses against such felons if in Court att the time of such presentment shall be bound over to give Evidence as af^d or otherwise if not in
- p. 167 Court an account of their names and places of Dwelling to be sent to the Attorney Gen^l to be sumoned against the then next Provinciall Court in order to such Tryall and the party presented if in Court to be bound Over alsoe by due course of Law to Answer such presentm^t or if not in Court proceeded against by due Course of Law as af^d

And be itt further Enacted by the Authority advice and Consent af^d that any person or persons whatsoever that shall kill any unmark't Swine above three months old if not upon his or their own land or not in Company with his or their Own Stock shall & is hereby Adjudged an hogstealer and shall be Lyable to restore four fold and Suffer such Corporall pains as ag^t the first Offence in this Act Mentioned. And to prevent any person or persons Concealing or Disfiguring the mark of any Swine killed as af^d.

Be itt further Enacted by the Authority advice and Consent af^d that if any person or persons killing any such unmark't Swine in the woods or else where and shall willfully disfigure the mark or Cut off the Ears of such Swine soe as to Conceale the true and reall mark or whether it was mark't or not shall be deemed and adjudged a hogstealer within the purview of this Act and shall Suffer Accordingly. And to prevent the Abusing hunting or worrying of any Stock of hoggs Cattle or horses with doggs or otherwise—

- p. 168 Be itt Enacted that if any person or persons whatsoever that have been Convicted of any the Crimes af^d or other Crimes or that shall be of Evill fame or a Vagrant or disolute Liver that shall Shoot kill or hunt or be seen to Carry a Gun upon any persons Land whereon there shall be a Seated plantation without the owners Leave having been once before warned shall florfeit and pay one Thousand pounds of Tob^o one halfe to our Sovereigne Lord the King his heirs and Successors the other halfe to the party grieved or those who shall sue for the same to be recovered in any County Court of this province by Action of Debt bill plaint or Information wherein no Essoyne protection or wager of Law to be Allowed.

And be itt further Enacted by the Authority Advice and ^{C. P.} Consent a^d that from henceforth no Sher. Jayler Clerk Cryer or other Officer shall Charge either their own County to which they belong or the publick with any ffees for any Criminall Comitted to the Charge of the said Sher. or Jayler having Sufficient Estate in this province wherewith to pay the same or being capable to pay the same by Servitude but that such Criminalls being discharged by order and due Course of Law shall pay their own ffees to Sher Jayler Clerk and Cryer and other Officers being such as they may demand According to Law Either out of his Estate or by Servitude or Otherwise.

Provided always that this Act shall not Extend to Malefac- ^{p. 169} tors that are Executed or to such other persons who are banished having no Estate in this province or to Servants Criminalls for whome the County shall pay such ffees as are due by the Acts of Assembly to the Sher. Jayler Clerk Cryer or other Officers of such Court where such Criminall shall be Convicted.

And be itt further Enacted by the Authority a^d that all Officers ffees due by Law from Criminall Servants shall be paid by the County where the fact shall be Committed and that all and Every such Criminall Servants for whome the County shall pay the ffees due by Law to such Officers as a^d shall after the end and Expiration of their time of Servitude to their Master or Mistress Satisfie and pay unto the Commissioners of The County who paid such ffees for them to the Sher and other Officers as a^d for the use of the County such Sumes as they have paid as a^d and the Sevⁿ Com^rs of the Sevⁿ Countys shall and are hereby Impowered to make Inquisition after all Such Servants Criminalls for whome the County hath defrayed the said ffees to the Sher. and other Officers as a^d and they the said Commiss^rs according to the best discretion shall Cause to be Entred rules for the Servants to make such reasonable Satisfaction to the County as they shall think fitt and in such Manner as they shall find Convenient. And for the better Security of the County which ^{p. 170} shall pay such ffees for such Criminall Servants as a^d—

Be itt Enacted by the Authority a^d that the Master Mistress or Dame of all such Servants be and are hereby Enjoynd and required att the Expiration of the time of such Servants Servitude to such Master or Mistress or Dame to render and Deliver up to the Sher of the County for the use of the County a^d such Servants Criminalls as a^d Under the penalties to Such Master Mistress or Dame refusing or neglecting to Deliver up such Servants as a^d of making Satisfaction to the County for all such ffees as by the County a^d have been paid

C. P. for such Criminall as af^d and such Sher to whome such Criminall Servant shall be Delivered as af^d is hereby required to receive and Secure such Servants Criminalls as af^d soe that he be and appear att the then next County Court to be held for the said County to be disposed of as the said Court shall Consider.

An Act Causing Grand and petit Jurors and Witnesses to come to the provinciall and County Courts and Ascertaining their Allowances.

Be itt Enacted by the Kings most Excellent Majesty by p. 171 and with the Advice and Consent of his Majesties Govern^r Councill and Assembly of this province and the Authority of the same that after the publication hereof the Sevⁿ and respective Sher. of the Sevⁿ and respective Countys within this province shall Cause to Come before the Justices of the provinciall Court two men of the best and most Understanding freeholders of Each respective County to Serve as Grand Jurors and three such like good and Lawfull men of Each respective County to Serve as petit Jurors att Every Provinciall Court and the said Sher shall returne panells Accordingly and Twenty days notice shall be given by the Sher to the Jurors before the day of their Appearance and such Sher or Sher^s as shall make Default shall be fined by the Justices of the provinⁿ Court one thousand pounds of Tob^o to his Majesty his heirs and Successors for the Support of the Governm^t of this province.

And be itt further Enacted by the Authority af^d by and with the Advice and Cons^t af^d that the Sevⁿ Sher^s of the Sevⁿ and respective Countys af^d shall Cause to Come before the Justices of the Severall and respective County Courts a Competent and Sufficent Number of good and Lawfull men of the best and most Understanding freeholders of their severall and respective Counties to Serve as Jurors of the Sevⁿ and respective County Courts and the Sevⁿ Sher^s shall returne panells Accordingly and give notice to such freeholders ten days p. 172 before the day of their Appearance att the same County Courts and such Sher or Sher^s as shall make default shall be fined by the Justices of the County Courts five hundred pounds of Tob^o to his Majesty his heirs and Successors for the Support of the Government of this province.

And be itt further Enacted that Every person or persons freeholders returned by the Sevⁿ Sher^s to Serve as Jurors att the provinciall Courts and having such notice of the day of his or their Appearance as af^d and shall not appear att the

day but make Default shall be fined by the Justices of the c. p. provinciall Court one Thousand pounds of Tob^o and Every person and persons freeholders returned by the Sev^l Sher^o of the Sev^l County Courts to serve as Jurors att the said County Courts and having such Notice of the day of his or their Appearance as af^d and shall not make his or their Appearance att the day but make default shall be fined by the Justices of the County Courts five hundred pounds of Tob^o to his Majesty his heirs and Successors both the said fines to be to his Majesty his heirs and Successors for the Support of the Government of this province. Provided Nevertheless that all Magistrates Delegates Coroners Schoolmasters Overseers of highways and Constables dureing their Continuance in their respective Stations or business shall be Exempt from any Attendance as Jurors

And be itt further Enacted by the Authority af^d by and p. 173 with the Advice and Consent af^d that Every person that shall be duly Served with process to Appear att the provinciall Court as a witness to Testifie any Matter or thing there depending and Shall not keep his day of appearance but make default shall be fined by the Justices of the provinciall Court one Thousand pounds of Tob^o and Every person that shall be duly Served with process to Appeare in any of the County Courts of this province as a witness to Testify in any matter or thing there depending and shall not keep his day of Appearance but shall make Default shall be fined by the Justices of the County Court where such Default shall happen the Sume of five hundred pounds of Tob^o both which fines shall be to his Majesty his heirs and Successors for the Support of the Governm^t of this province and the persons that shall be Sum^ooned as Evidences and make default as af^d shall not only be Lyable to the fines af^d but shall alsoe be Lyable to Answer the party for whome he shall be Sum^ooned in an Action upon the Case for the Damages Sustained for want of his Appearance to Testifie According to such Sum^oons and shall be held to Speciall baile on Such Action and shall be Lyable to a Conviction thereon for all Damages that shall be Sustained by such party for want of such Evidence and shall alsoe be Lyable on such default att the request of the party for whome such p. 174 Evidence shall have been Sum^ooned to have his her or their body or bodies Attached by process out of the Court to which they were Sum^ooned which such Court is hereby Authorized and required to Award Accordingly by Vertue of which process the Sher shall be Obliged to have the body of such Evidence att Court where such writt shall be returned to and shall Oblige their Attendance att the said Court and in Case any witness Sum^ooned or Attackd who being present shall

C. P. refuse or Delay to give his Evidence such Witness shall be Comitted to Jayle there to remaine till he shall willingly doe the Same and for the Ascertainig the Expences of Jurors and Evidences—

Be itt Enacted that itt shall and may be Lawfull for his Majesties Justices of the Provinciaall Court of this province to Allow unto the Grand Jurors that shall Serve in the provinciaall Court towards the defraying the Expences of the said Jurors for Every Court they shall Attend any Quantity of Tob° not Exceeding three thousand pounds of Tob° att the Discretion of Such Justices to be paid out of the publick Levy of this province.

And be itt alsoe further Enacted that itt shall and may be Lawfull for the Justices of the Sevⁿ and respective County
p. 175 Courts of this province to allow unto the Grand Jurors that shall serve in the Sevⁿ and respective County Courts any Sume of Tob° att the discretion of the said Justices not Exceeding five hundred pounds for Each Court they shall serve to be paid out of the Sevⁿ and respective County Levies.

And be itt further Enacted that itt shall and may be Lawfull for the Justices of the provinⁿ Court to Allow unto Every petit Juror Sumoned to Serve in the said Court the Sume of thirty pounds of Tob° for Every Day such Juror shall Attend in such Service to be paid them in the publick Levy besides the Sume of one hundred and Twenty pounds of Tob° to be Allowed Every full Jury that shall pass their Verdict in any Cause to be paid by the party for whome such Verdict shall pass and be Allowed in the bill of Costs as Usual and that the Clerk of the provinciaall Court for the time being lay a list of all persons that Served as Petit Jurors in the Provinciaall Court with An Account of the number of days they Attended and the Countys they were returned for before the Committee for laying and Apportioning the publick Levy yearly under the penalty of Six thousand pounds of Tob° to the King his heirs and Successors for Support of Governm^t to be recovered by bill Plaint or Information wherein no Essoyne protection or wager of Law shall be Allowed for which he shall be Allowed in the publick Levy Two hundred pounds of Tob° and no more. And to prevent partiality in Jurors

p. 176 Be itt Enacted by the Authority Advice and Consent a^d that no Sher shall Sumons any person to serve as a petit Juror in any Court whatsoever where he hath knowledge such person hath any Matter of fact Depending for Tryall att the same Court he is Sumoned to Serve in and that no person having such Matter of fact depending for Tryall as a^d shall be Admitted as a Qualified Juror between party and party dureing

the Sitting of such Court that such Matter of fact shall be or C. P. Expected to be tryed in.

And be itt further Enacted by the Authority Advice and Consent a^d that itt shall & may be Lawfull for the Justices of the provinciall Court to allow unto Every person or persons that shall be Legally Sum^ooned to give their Evidence in the said Courts the sume of forty pounds of Tob^o and no more for Every day they Attend att such Court together with their Itinerant Charges as usuall to be Allowed by the Court & paid by the person Summoning them and to be Charged in the bill of Costs in Cases of meum and Tuum and in all Cases Criminall to be paid according to the Directions of the Act of Assembly of this province for Speedy Tryall of Criminalls and for the payment of their ffees and that itt shall and may be Lawfull for the Justices of the Sevⁿ and respective County Courts of this province to Allow Unto Every person or persons that shall be Sumoned to give their Evidence in their Sevⁿ and respective Courts in Any Action or Controversy Depending in the said Courts the sume of thirty pounds of Tob^o for Every day they Attend as an Evidence untill such cause shall be ended and no more to be paid in the same Manner as Evidences that Attend the provinciall Court are herein before directed to be paid. p. 177

An Act for Quietting Possessions Enrolling Conveyances and Secureing the Estates of purchasers.

Forasmuch as a good and beneficiall Law Entituled An Act for Quietting of possessions was made the Twenty Seventh day of March Anno Domini one Thous^d Six hundred Seventy one in this province which by the use thereof hath been found Very much Conducing to the benefit of the said province—

Be itt therefore Enacted by the Kings most Excellent Majesty by an with the Advice and Consent of his Majesties Govern^r Councill & Assembly of this province and the Authority of the same that all Sailes guifts and Grants att any time before the thirteenth day of Ap^l one Thous^d Six hundred Seventy four (and not after) of any Lands Tenements or hereditaments within this Province by any person or persons whatsoever that had right to sell give or grant Such Lands p. 178
Tenem^{ts} or hereditam^{ts} made by writing only with or without Seale shall forever hereafter be Accounted good and Available in Law to bar the heirs of such Venders donors or Grantors any Error in the forme only of such writing to the Contrary Notwithstanding.

And forasmuch as diverse Assignments of Patents written

C. P. on the backside of such patent for Land are now wore out and alsoe other Sales in paper Either worn out or Quite Lost for which the purchase mony hath been bona fide paid—

Be itt further Enacted by the Authority Advice and Consent af^d that all Sailes Guifts or grants att any time before the said thirteenth day of Ap^l one Thousand Six hundred Seventy four made by any person that had right as af^d if either the Sale gift grant or payment bona fide can be proved by witnesses such Sale guift or grant shall forever hereafter be Accounted good and Available in Law to barr the heirs of such Vendors donors or grantors or any person Claiming Dower from such Vender donor or grantor any Law Usage or Custome to the Contrary thereof notwithstanding.

And be itt further Enacted by the Authority Advice and Consent af^d that all Sailes and grants of any Lands Tenem^{ts} & p. 179 hereditam^{ts} made by deed Indented and Inrolled Since the said thirteenth day of Ap^l one Thousand Six hundred Seventy four or that hereafter shall be soe made and Inrolled shall be good and Available in Law without Livery and Seizin. And whereas in the year of our Lord one thousand Six hundred Seventy four and in the forty second year of the Dominion of the right hon^{ble} Cecilius Lord baron of Baltemore a Very good Law was made whereby it was Enacted by his said Lordship by and with the Advice and Consent of the Upper and Lower houses of the then Gen^l Assembly that no Manours Lordships Lands Tenements and hereditam^{ts} whatsoever within this province should alter pass or Change from one to another (as by the said Act relation being thereunto had more att Large doth appear) Except the same were Acknowledg^d and Inrolled as in the said Law is directed—

Be itt therefore hereby declared and Enacted by the Authority Advice and Consent af^d that whatso^r Deed or Deeds Conveyance or Conveyances dureing the Continuance of the said Law were inrolled by Vertue of the said Law within the time therein Limited are and shall be taken and Adjudged to be Effectuall in Law According to the purport intent and meaning of such Deed or Deeds Conveyance or Conveyances Enrolled and if any Deed or Deeds Conveyance or Conveyances made dureing the Continuance of that Act were Sealed p. 180 and Delivered but not Enrolled According to the Intent of the said Law, It is hereby Enacted and Declared that nothing has past by such Deed or Deeds Conveyance or Conveyances not Enrolled as af^d the repeal of the said Law notwithstanding.

And whereas att an Assembly held att the Citty of S^t Maries on the tenth day of May Anno Domini one Thousand Six hundred Ninety two in the fourth year of the Reigne of our

Late Sovereigne Lord and Lady King William and Queen C. P. Mary of blessed Memory An Act for Enrollment of Conveyances and Secureing the Estates of purchasors was then made whereby it was Enacted that no Mannours Lands Tenem^u or Hereditam^u whatsoever within this province shall pass alter or Change from one to Another where by the Estate of Inheritance or freehold &c shall take Effect &c as by the said Act (relation being thereunto had) more att Large doth appear Except the deed or deeds Conveyance or Conveyances by which the Same were Intended to pass alter or Change from one to Another were Acknowledg'd and Enrolled as the said Law Directs—

Be itt hereby Enacted and Declared by the Authority Advice and Consent af^d that whatso^r Deed or Deeds Conveyance or Conveyances dureing the Continuance of the said Last Mentioned Act were Enrolled by Vertue thereof within the time therein Limited are and shall be taken and Adjudged p. 181 to be Effectuall in Law According to the purport Intent and meaning of such Deed or Deeds Conveyance or Conveyances Enrolled and if any Deed or Deeds Conveyance or Conveyances made dureing the Continuance of that Act were Sealed and Delivered but not Enrolled According to the Intent of the said Law. It is hereby Enacted and Declared that nothing has past by such Deed or Deeds Conveyance or Conveyances not Enrolled as af^d the repeale of the said Act notwithstanding.

And whereas att a Sessions of Assembly begun and held att the Port of Annapolis the Twenty Seventh day of June and Ended the twenty second day of July in the Eleventh year of the Reigne of our Late Sovereigne Lord King William the third Anno Dom. one Thousand Six hundred ninety nine An Act for Enrolling of Conveyances and Secureing the Estates of purchasors was made whereby for the better Establishing a way and Method for Conveying of Mannors Lands Tenem^u and hereditam^u and for Avoiding the Abuses and Deceits by Mortgages, It was Enacted by the Kings most Excellent Majesty by and with the Advice and Cons^t of the Same Assembly and the Authority of the same that no Mannors Lands Tenem^u or Hereditam^u whatsoever within this province should pass alter or Change from one to Another whereby the Estate of Inheritance or freehold or any Estate for above Seven years should be made to take Effect &c as p. 182 by the said Act relation being thereunto had more att Large doth appear Except the Deed or Deeds Conveyance or Conveyances by which the same could be Intended to pass &c were Acknowledged and Enrolled as the Law Directs—

Be itt hereby Enacted and Declared that whatsoever Deed

C. P. or Deeds Conveyance or Conveyances made dureing the Continuance of the said Law were Enrolled by Vertue of the said Law within the time therein Limited are and shall be taken and Adjudg'd to be Effectuall in Law According to the purport Int' and meaning of Such Deed or Deeds Conveyance or Conveyances Enrolled and if any Deed or Deeds Conveyance or Conveyances made dureing the Continuance of that Act were Sealed and Delivered but not Enrolled According to the Intent of the said Law, It is hereby Enacted and Declared that nothing hath passed by such Deed or Deeds Conveyance or Conveyances not Enrolled as af^d the repeale of the said Act notwithstanding. And for the better Ascertaining a way and Method for Conveying of Mannour Lands Tenem^u and hereditam^u for the future and for Avoiding abuses and Deceits by Mortgages—

Be itt Enacted by the Kings most Excellent Majesty by and with the Advice and Consent af^d that from and after the publication hereof no Mannors Lands Tenements or hereditaments
 p. 183 whatso^r within this province shall pass alter or Change from one to another whereby the Estate of Inheritance or freehold or any Estate for above seven years shall be made or take Effect in any person or persons or any use thereof to be made by reason of any bargaine and Sale only Except the deed or Conveyance by which the same shall be Intended to pass Alter or Change the Same be made by writing Indented and Sealed and the Same to be Acknowledged in the Provinciall Court or before one Justice thereof or in the County Court or before two Justices of the Same where such manors Lands Tenements or hereditaments doe Lye and Enrolled within Six months after the Date of such writing Indented as af^d and for the taking of such Acknowledgm^t there shall be paid to the party or parties taking the same one Shilling and no more and the Clerk shall Immediately upon the receipt of such Deed Endorse the time of his receiving the same on the back thereof and shall well and truly Enroll such Deed or Conveyance in a good Sufficient book in folio to be regularly Alphabetted in the names of both parties and to remaine in the Custody of the Clerk of the Same Court for the time being amoung the records of the same Court and that the Same Clerk shall on the back of Every such Deed in a full
 p. 184 Legible hand make an Endorsement of such Enrollment and alsoe of the folio of the book in which the same shall be Enrolled and shall to such Endorsment set his hand and Seale Provided always and be itt ffurther Enacted by the Authority af^d that when the grantor or grantors bargainor or bargainors of such Lands Tenements or hereditaments shall live remote from either the provinciall Court or County Courts where the

Land Lyeth It shall and may be Lawfull for such Grantor or C. P. bargainor to Acknowledge the Same in the County where such Bargainors Live and a Certificate of such Acknowledgment Under the hand of the County Clerk and under the Seale of the same County of such Acknowledgm^t shall be taken Deemed reputed and be as good and Valid as if the same had been Acknowledged Either in the provincially or County Court where such Land lyeth and be a Sufficient warr^t for such County Clerk where the Land lyeth to Enroll the same and if any such Grantor or Bargainor of any Lands or Tenements as af^d shall happen to be out of this province within any of his Majestys Dominions att the time of the Ensealing of such Writing or writings Indented Soe as the same cannot be Acknowledged as is before directed or Enrolled within the time for that purpose herein before Limited that in Every such Case such Lands or Tenements p. 185 as af^d shall be Acknowledged by a Letter of Attorney well and Sufficiently proved Either in the provincially or County Court where such Lands or Tenements Lye or before one Justice of the provincially Court or two Justices of the County Court as af^d and be Enrolled as af^d any thing herein before Contained to the Contrary thereof notwithstanding.

And be itt further Enacted by the Authority af^d that Every such writing Indented to be acknowledged and Enrolled as af^d shall have relation as to the passing and Conveying of premisses and the Estate and Estates thereby passed or Intended to be passed and Conveyed by and from the day of the Enrollment of the same and not from the day of the Date thereof and shall att all times be Construed & Taken more favourably and beneficially for the benefitt and Advantage of the Grantee or Grantees and more Strongly for the barring the Grantors therein to be named and according to such Intents as by the words thereof shall Appear to have been the true Intent of the parties thereunto altho' the same be not soe firmly drawn as is used in England where the Advice of Councill Learned in the Law may be Easily had—Provided always that if any feme Covert be named as a Grantor in any such writing Indented the same shall not be in force to Debarr her or her heirs Except upon her Acknowledgment of the Same and the person or persons taking such her Acknowledgm^t shall Examine her privately out of the hearing of her husband whether she doth make her Acknowledgm^t of the same willingly and ffreely and without being Induced thereto by fears or threats of or ill Usage by her husband or fear of his Displeasure and that the person or persons so Examining her shall in a note or Certificate of the taking of the said Acknowledgment Certifie her Examination and Acknowledg- p. 186

C. P. ment thereupon and that such Certificate be likewise Enrolled upon Record in which Case and by such Acknowledgments and Certificates feme Coverts shall be barred and not otherwise and shall alsoe be barred of their dower by such Like Acknowledgm^{ts} where they have only a right of Dower in the Estate Conveyed altho' not named in the Deed thereof anything herein Contained to the Contrary notwithstanding.

Provided always and be it further Enacted by the Authority af^d by and with the Advice and Consent af^d that where any Acknowledgment or Acknowledgments of any Deed or Deeds Conveyance or Conveyances by them that had right to grant bargain and sell any Mannours Lands Tenements or hereditaments within this province have been made dureing the Continuan^{ce} of any the former recited Acts of Assembly before one Justice of the Provin^l Court or before one or two of the Councill and Enrolled According to the direction of the former Acts shall be good and Effectuall in the Law to all Intents Constructions and purposes whatsoever anything in this Act Contained to the Contrary thereof in any wise notwithstanding.

An Act Declareing the Continuance of the payment of the twelve pence per hogshead from the death of the Late right Hon^{ble} Charles Lord Baltemore untill the twenty ninth day of September next.

Whereas by Sundry Laws heretofore made there has been a Duty of Twelve pence per hogshead laid on Tob^o made payable to the late right hon^{ble} Charles Lord Baltemore dureing his Naturall life in Consideration of his taking Tob^o att the rate of two pence per pound in Lieu of his Quit rents and fines for alienations—And whereas his Lordship is now Deceased by which the Continuance of that Impost on the former Laws Determines notwithstanding which there have been diverse sumes Collected by his Late Lordships Officers as by Vertue of that Law before notice of the Determination thereof by his Late Lordships Decease and for that itt is thought necessary by this present Gen^l Assembly as well to declare and Ascertaine the Uses of the money that has been soe received as to Continue the payment thereof this present Shipping—

Be itt Enacted by the kings most Excellent Majesty by and with the Advice and Consent of his Majesties Govern^r Councill and Assembly of this province and the Authority of the same that the said duty of Twelve pence per hogshead formerly paid to the Lord proprietary on the Consideration af^d

be Continued Collected and received in the same manner as C. P. it ought to have been Collected in his Lordships Lifetime untill the twenty ninth day of Septem^r next and that the Officers that have received or shall receive the same durement the terme af^d shall Account for and pay the same to the publick Treasurers of this province to the Use of the right Hon^{ble} benedict Leonard Lord Baltemore proprietary of this province in Case he shall be favourably pleased to Accept the same on the same Conditions and termes whereon the same duties were paid to his Noble father Deceased untill the twenty ninth day of Septem^r next and in Case his Lordship shall not think fitt to accept the same in manner af^d then the said Duties to be Applied Towards the defraying the publick Charge of this province. And for the Avoiding disputes that may Arise on the payment of the said Duties since the Decease of the late noble Lord Prop^y and before the making this Act—

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Be itt hereby Enacted and Declared by the Authority af^d that all such duties as have been received or Secured by pretext of the Impost af^d Since his said Late Lordships Decease shall be Accounted for in manner af^d and Applied to the Uses af^d any Discontinuance of the said Duty by the Decease of the said Lord Baltemore or otherwise to the Contrary notwithstanding.

An Act providing what shall be good Evidence to prove fforreigne and other Debts and to prevent vexatious and unnecessary Suits at Law and pleading Discounts in barr.

Be itt Enacted by the Kings most Excellent Majesty by and with the Advice and Consent of his Majesties Govern^r Councill and Assembly of this province and the Authority of the same that all Debts of Record whether by Judgm^t Recognizance Deed Inrolled and upon Record the Exemplification thereof under the Seales of the Courts where the said Judgm^t was given or was recorded shall be a Sufficient Evidence to prove the same and that all other Debts by bonds bills Accounts or otherwise that shall from and after the publication hereof be sent hither to be put in suit against any person whatso^r Living or residing within this province shall be proved by the oaths of the Witnesses thereto before any Notary publick or other Officer Lawfully Authorized thereto of the County or place wheresoever itt shall happen the said bonds or bills shall be sent from att which time and before which publick Notary or other publick Officer shall be present the Creditors who shall then likewise before such publick Notary or other publick officer of the place soe Authorized Upon his Corporall

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C. P. oath declare that the said debt or any part thereof Saving what the said Creditor gives Creditt for is not Satisfyed or that there are not any other Accounts between the said Credittor and Debtor for which the said Credittor may be likewise Indebted to the said Debtor to the Value of the said Debt or any part thereof for any Matter or thing Accrued Since the date of the said bond bill or Instrument or whether the said Credittor hath not given the said Debtor any release for the same to be sent together with the proofs from under the hands and Seals of the said publick Notary or other publick Officer thereunto appointed which if the Credittor shall refuse or Neglect to performe or doe then the said Mat-
 p. 191 ter or thing by the said publick Notary or other officer so by them Certified as af^d shall not be received as Evidence to prove the said Debt and if the said Credittor be dead and his Ex^r or Administrator sue such bond bill Account or otherwise sue any Debtor for the same the Executor or Administrator in like manner before such Notary publick or other Officer for that purpose Appointed shall sett forth and declare upon their Oath whether or no they have not heard the Credittor in his Life time Acknowledge that debt or any or what part thereof to be Satisfyed or whether or not upon Sight of the Credittors books writing or Accounts they have not seen Creditt given to the Debtor Since the day of the making the said bills bonds or beginnings of the Accounts soe Sued for all which in like manner is to be Certified by the publick notary or other officer thereunto appointed Under his hand and Seale to be sent along to this County together with the Testimony of the Witnesses that have Testifyed to the said bonds bills Accounts or otherwise all which if the said Executor or Administrator refuse or neglect to doe then the said Matter and thing by the publick Notary or other officer appointed as af^d Certified shall not be received in Evidence for Valid against the Debtor.

p. 192 Be itt Enacted by the Authority af^d that all and Every the Attorney and Attorneys who shall be Employed in the prosecution of such Suits shall put in Security to pay the Defendant all such Costs and Charges as shall be by the Defend^t in that Case Expended in Case the plaintiffe be Cost in Suit and to the end that no honest Debtor that hath not fled from the place or Country where he Contracted his Debt nor willfully Absconded himselfe or fled from Justice shall be Surprized by Unnecessary and Vexatious Suits att Law—

Be itt Enacted by the Authority Advice and Consent af^d that no person whatsoever residing or Trading in or to this province their Executors Administrators agents factors or

assignes shall for any Sume or Sumes of Tob^o or money due C. P. and owing to him by Accounts upon book or otherwise (and for which the Debtor hath not passed his hand and Seale to such his Credittor) Sue and Implead such debtor his Ex^{ors} or Administrators in any Court of Record within this province Unless he shall first Demand and require the same of such Debtors proper person or otherwise att the habitation or place of residence of the said Debtor in the County where he shall Dwell to prove which Demand the Creditors or Demandants own oath shall be sufficient and if the Debtor be not att home to be spoke with then such Demandant shall leave a note p. 193 under the hand of such Credittor or Demandant or those he shall Impower to receive the same what time and to whome the same shall be paid and if thereupon the same be not paid accordingly then itt shall and may be Lawfull for such Credittor to sue and Implead such his Debtor and recover against him all such Cost and Damages as upon Legall Tryall in any Court of this province having Cognizance of the Cause shall be Adjudged as before the making this Act. But in Case any person or persons shall sue and Implead such his Debtor as af^d without making Demand as af^d and the Debtor plead that the debt was never Demanded by such plea the Debtor shall be taken to admitt the plaintiffs Declaration to be good and shall only put the Demand in Issue if the Plaintiffe doe not joyne then the plaintiffe shall be taken to have made no Demand and shall only have Judgment for his damages and shall loose all his own Costs and if the plaintiffe Joyn in Issue upon the Demand and it be found against him then the plaintiffe shall lose his own Costs and pay Costs of such Tryall to the Defendant yet the said plaintiffe shall have Judgment to recover his Debt or Damages for which he sues or for so much thereof as appears due upon ballance.

And be itt further Enacted that if any Debtor or Debtors p. 194 be Sued by any Credittor or Creditors for any sume or Sumes of Mony or Tob^o due upon the Debtors Assumption or due by bill or bond under the hand and Seale of the said Debtor and the Debtor Confess the Assumption or such part thereof as he shall think fitt to plead discount to and Acknowledge his Act or Deed but saith further that he hath an Account of his Own against the Credittor that hath arisen due to the Debtor since the passing such bill or bond or after such Assumption as af^d which he desires may be Discounted—

It shall and may be Lawfull for the Justices before whom such Matter shall be Depending upon good prooffe made of such acc^t to Cause the same Altho of a Less or Inferior nature to be discounted in Court and give Judgment thereupon

C. P. against the Defend^t for soe much only as shall be remaining to the plaintiffe with Costs of Suit Provided the ballance Exceed four hundred pounds of Tob^o or three and thirty Shilings and four pence in the County Court and fifteen hund^d pounds of Tob^o or Six pounds five Shil Sterl in the provinciall Court otherwise the plaintiffe shall be non Suited as by other
 p. 195 Law is provided. Provided nevertheless that nothing in this Act Contained shall be Construed to give the said provinⁿ Court any other Jurisdiction then what is agreeable to the Act of Assembly for relieving the Inhabitants of this province from some Aggrievances in the prosecucōn of Suits att Law any thing herein Contained to the Contrary notwithstanding. And for the further declaration what shall be taken and allowed for Evidence to prove such bills or bonds—

Be itt Enacted that the oath of one or more of those persons that Subscribed as Witnesses to such bill or bond made before one Justice of the provinciall Court or two Justices of the County Court of this province in their respective Countys shall be Evidence to prove the Debts in the provinciall and County Courts of this province—Provided nevertheless that if the defend^t will Traverse such prooffe and put it upon the Country for prooffe it shall be Allowed him so to doe.

And be itt likewise Enacted by the Authority af^d that an Acc^t of goods Sold work done money lent and such other Articles as lye properly in an Acc^t and sworn to by the Plaintiffe in any Action brought or by the Defendant in his Defence against all or any part of the plaintiffs Claime before such Justice or Justices as af^d and that no part or parcell thereof is
 p. 196 paid other then what is taken notice of in the said oaths shall be received as Evidence to prove the fact in any Court of this province—Provided that any plaintiffe or Defendant in any Action against whome such oath is given for Evidence shall be att his Liberty to traverse such oath by giving Evidence other then himselfe against itt to Invalidate the same and the Court or Jury that tryes the Cause shall Judge by that which appears to them the fullest and fairest Evidence.

An Act for the Speedy recovery of Small Debts out of Court before a Single Justice of the peace.

forasmuch as itt is requisite that there be some remedy for the recovery of Small Debts whereof the Courts of Judicature have no Jurisdiction—

Be itt Enacted by the Kings most Excellent Majesty by and with the Advice and Consent of his Majestys Govern^r Council and Assembly of this province and the Authority of the

same that in all such Cases wherein the reall debt or Damage C. P.
doth not Exceed four hundred pounds of Tob^o or thirty three
Shillings & four pence in money it shall and may be Lawfull
for any one Justice of the peace of Each respective County
wherein the Debtor doth reside to try hear and Determine p. 197
the Matter of Controversy between the Credittor and Debtor
and upon full hearing of the Allegations of both parties shall
give Judgment Accordingly and if need be Charge the Con-
stable with the body of the Debtor in Execution who is hereby
obliged and Impowered to Carry the person soe Comitted to
the Sher of the County together with a Certificate or Mitti-
mus from such Justice wherein shall be Certifyed the Debt &
Cost whereof such person shall be Convict by him to be Safely
kept untill Satisfaction or other end thereof—Or otherwise
that such Justice shall Award Execution on such his Judgm^t
Directed to the Sher of the County by warr^t or Mittimus in
the nature of a Capias ad Satisfaciendum fieri facias or other-
wise. And that in Case upon the return of any warrant or
any Complaint Issued by Any Such Justice itt shall appear
that the person against whome it shall Issue is not found itt
shall and may be Lawfull for the Credittor to proceed in the
Sevⁿ and respective County Courts for obtaining an Attach-
ment according to the Directions of the Act for Sueing out
Attachments in this province and Limitting the Extent of them
ag^t the goods Chattells and Creditts of such persons for any
sume Exceeding two hundred pounds of Tob^o or Sixteen p. 198
Shillings and Eight pence in money any thing in this Act for
the better Adminisⁿ of Justice in the Sevⁿ Courts of this
province and for Speedy recovery of Debts &^c or any other
Law to the Contrary notwithstanding.

An Act prohibiting all Masters of Ships or Vessells or any
other persons from transporting or Conveying away any
person or persons out of this province without passes.

Be itt Enacted by the Kings most Excellent Majesty by and
with the Advice and Cons^t of his Majesties Govern^r Councill
and Assembly of this province and the Authority of the same
that from and after the publication hereof any pson or psons
whatsoev^r Intending to Depart this province shall first give
notice of his her or their Intended Departure by setting up
his her or their Name or Names att the Secretaries Office of
this province and alsoe att the door of the Court house of the
County where such person resides att the time of Setting up
such name as af^d the full Space of three months that if in the
time af^d no person shall underwrite the said person or persons

C. P. 80 Setting up his her or their respective name or names as
 P. 199 as^d It shall be then Lawfull for the Govern^r keeper of the
 great Seale or Secretary of this province for the time being
 upon Certificate thereof from the Clerk of the provin^l Court
 and the Clerk of such County where such name shall be sett
 up as as^d to Signe a pass or passes to any such person or
 persons to depart this province for which the party shall pay
 to the Secretary for Signing the same the Sume of two Shillings
 and Six pence and to the Clerk of the provin^l And County
 Courts twelve pence each and if any person or persons upon
 any Suddaine or Emergent occasion are necessitated to depart
 this province not having set up his her or their names att the
 Secretaries Office and County Court house door as as^d then
 such person or persons giving good and Sufficent Security
 to the Govern^r keeper of the Great Seale or Secretary to Dis-
 charge and pay all debts dues and Demands whatsoever due
 owing or Demandable from the said person to any of the
 Inhabitants of this province then the said person or persons
 may have a pass Containing a Certificate of such Security
 given for which shall be paid the same ffee as as^d

And be itt further Enacted that any Master of Shipps or
 Vessells or other persons what^{er} that shall transport or Convey
 out of this province by Land or Water any person being
 P. 200 Indebted by bill bond or Account or otherwise to any Inhabitant
 thereof without such pass or passes under the hand of the
 Govern^r Chancellour or Secretary as as^d shall be Lyable to
 Satisfie all such Debts Ingagements and Damages to the
 person or persons to whome such Debts or Damages respect-
 ively shall be due within this province Except the same be
 otherwise Satisfyed or that the Transporter or Conveyor away
 of such person or persons procure such person or persons to
 returne againe within one month after whereby he may be
 Lyable to Justice here and Every such person as as^d as shall
 Transport or Convey away out of this province any Servant
 or Servants being Servants here by Condition for wages
 Indenture or Custome of the Country shall be Lyable to pay
 and Satisfy to the Master or owner of such Servant or Ser-
 vants soe Carryed away all such damages as he or they shall
 make Apppear to be Justly due to such Master or owner for
 want of such Servants as the Court before whome such Cause
 shall be Tryed shall think fitt.

And whereas Severall ill minded people Inhabitting and
 residing att the head of the bay have Comonly sett persons
 over the head of the Bay and Susquehanna River being
 P. 201 either ffelons Debtors or Runaway Servants from the more
 remote parts of this province for some Small Advantage they

have in buying or getting such money goods or Apparell as such psons soe Absenting or flying from Justice af^d have with them Generally money goods or apparrell by them feloniously purloyned from their Masters or other Owners by which meanes they may more Easily Travell to any other Governm^t in prevention and delay of Justice and to the great Damage of such Credittors Masters or Owners aforesaid—

Be itt therefore Enacted by the Authority af^d by and with the Advice and Consent af^d that from and after the publication hereof no person or persons Inhabitting or being att the head of the Bay or in any other part of this province shall Transport or Convey or Cause to be Transported or Conveyed over Susquehanna River af^d or any part of the Bay Above the North side of Sasafras River on the Eastern shore of the bay or over Potomack or Pocomoke Rivers into the Colony of Virginia not having passes soe procured as af^d or a Certificate from under the hand of two Justices of the peace of the County where such person or persons Intending to Travell shall Inhabitt and the County Seale affixed Certifying the ffreedome of such persons and that he or she or they are Clear to the best of their knowledge from any Engagements Impeding their Travelling as af^d on penalty of answering all such Debts or Damages to Credittors Masters or other Owners of Servants to be recovered as by this Law is provided against such as shall Actually sett them out of this province p 202

And be itt further Enacted by the Authority Advice and Consent af^d that whatsoever person or persons shall from hence forth Entice Transport or Secretly Carry or send away out of this province any Apprentice or other Servants or Slaves belonging to any Inhabitants in this province shall for Every such Offence fforfeit and pay to the Imployer or owner of such Apprentice or other Servant or Slave Treble Damages and Costs to be Adjudged by the Justices of Each respective County Court or the Justices of the provinciall Court for the time of such Apprentices or other Servants or Slaves Unlawfully being Transported or Carryed away as af^d

An Act for securing persons rights To Town Lands.

Whereas itt is represented to this Gen^l Assembly that Sevⁿ persons of this province and others that have taken up Lotts in Sevⁿ Town Lands Laid out and Surveyed for Towns According to the Directions of Sevⁿ Laws of this province heretofore made (that is to say) one Law made att a Gen^l Assembly held att the Ridge in Ann Arundⁿ County the second day of October one thousand Six hundred Eighty p 203

C. P. three Intituled an Act for Advancem^t of Trade and one other Act made att a Gen^l Assembly held att the Citty of S^t Maries the first day of Ap^l one thousand Six hundred Eighty four Entituled an Additionall and Supplementary Act to the Act for Advancement of Trade and the Other Act made att a Gen^l Assembly held att the Citty of S^t Maries the twenty seventh day of October one thous^d Six hundred Eighty Six Entituled a further Additionall Act to the Act for Advancement of Trade and the Supplementary acts of the same and another Act made att a Sessions of Assembly begun and held att the City of Saint Maries the twenty first day of September Anno Dom. one thous^d Six hundred ninety four Entituled An Act for Erecting Ann Arundⁿ and Oxford Towns into ports and Towns as by the severall Acts of Assembly remaining upon Record in the Secretaries office of this province may appear & notwithstanding the Sevⁿ persons who relying & depending upon the Benefitts and priviledges in the said Laws granted have taken up Lotts in the said Towns Entred them and paid for them or were ready to pay for them as the Law Directed and have built and Improved thereon yet they are now threatⁿed Disquietted and Disturbed by the persons Claiming right to the said Lands upon pre-
 p. 204 tence that because the said Acts are Since repealed the Titles of such takers up builders and Improvers are destroyed and dye with the said Acts of trade Contrary to the true sense and rationall Construction of the same Laws or any other of Like Nature to prevent therefore and take off all such Unnecessary doubts and Scruples thereof

Be itt Enacted by the Kings most Excellent Majesty by and with the advice and Consent of his Majesties Govern^r Councill and Assembly of this province and the Authority of the same that all and Every person or persons that dureing the Continuance of the before mentioned Acts of Assembly did take up pay for or tendred or were ready to pay for any Lott or Lotts of Land in any Town Land laid out and allotted for Town Lands by the former Laws or any of them and of the same Lott made due Entry and hath built and Improved upon the same and followed the directions of the above mentioned Laws the said person & persons so taking up Entring building upon and following the directions of the said Laws their heirs and Assignes shall have hold and Enjoy a good
 p. 205 sure and Indefeazable Estate of Inheritance in fee Simple of in and to Every such Lott and Lotts of Land so taken up and built on as af^d (according to the said Laws and Directions) to them and their heirs forever as fully freely and Amply to all intents and purposes as if the said former Laws were Still in force and never had been repealed.

Provided always that where any person or persons that hath C. P.
or have so taken up built and Improved and hath not paid the
price sett upon the Same that Every such person is hereby
Injoynd to pay the said Value of the said Lott to the owner
and Claimer of the Land upon demand without fraud or Covin

And whereas it is represented to this present Gen^l Assem-
bly that Sev^l of the Inhabitants of this province and others
that have taken up Sev^l Lotts in Sev^l Town Lands Laid out
and Surveyed for Towns according to the directions of Sev^l
Laws of this province Lately made (that is to say) one Act of
Assembly made att a Gen^l Assembly begun and held att the
port of Annapolis the second day of Ap^l in the year of our
Lord one Thousand Seven hundred and Six Entituled an Act
for Advancement of Trade and Erecting ports and Towns
within this province of Maryland one other Act made att a
Gen^l Assembly begun and held att the port of Annapolis the
fifteenth day of Ap^l one thous^d Seven hundred and Seven
Entituled a Supplementary Act to the Act for Advancem^t of p. 206
Trade and Erecting ports and Towns and one other Act made
att a Gen^l Assembly of this province held att the port of An-
napolis the twenty ninth day of Nov^r Anno Domini one
thousand Seven hundred and Eight Entituled an Additionall
Act to the Supplementary Act for Advancem^t of Trade and
Erecting ports and Towns within this province and for Sale of
some publick Lands and buildings in the Town of S^t Maries
in S^t Maries County as by the Sev^l Acts of Assembly af^d re-
maining upon Record in the Secretaries office may appear
relying and Depending upon the benefitts and priviledges in
the said Laws granted did enter and build upon such Lotts
According to the directions of the said Laws—

Be itt therefore Enacted by the Authority Advice and Con-
sent af^d that all and Every person and persons that dureing
the Continuance of the before mentioned Laws did take up a
Lott or Lotts and thereon build According to the Directions
prescribed by the said Laws or any of them in any Town
Land Laid out and Allotted for a Town by the former Laws
or any of them their heirs and Assignes shall have hold and
Enjoy a good sure and Indefeazable Estate of Inheritance in
fee simple of in and to such Lott and Lotts soe taken up and
built upon as af^d

Provided that where the Owner of any Tract of Land p. 207
laid out for a Town by any of the af^d Acts is unpaid for
any Lott taken up and built upon According to the Directions
of the said Laws such owners may after request made
have an Action of Debt for the Value of such Lott According
to the Value of the Comm^{rs} or Jurors Empowered to Value

C. P. the same by such former Law ag^t any Taker up or owner of any such Lott or Lotts that hath not paid for the same his heirs Ex^m or Administrators in any of his Majestys Courts of Record within this province that can hold plea of the same.

Provided further that this Act nor anything therein Contained shall Extend or be Construed to Extend to prejudice the right of Rich^d Bennett Esq^r to such part of the Land Laid out for a Town in Worton Creek in Kent County whereon houses Orchards and Improvements were att the time of Laying out that town.

And be itt further Enacted by the Authority Advice and Consent a^d that where any person or persons whatsoever have taken up any Lott or Lotts by Virtue of the before recited Acts of Assembly since the first day of August one thousand Seven hundred and nine and paid for the same to the Owner but not built thereon being discouraged by her late Maj^{ty} Disallowance of the said Acts shall and may by
p. 208 Virtue of this Act have the Tob^o or money repaid him or them by the person or persons that received the same their Ex^m or Administrators and for non payment after Demand made to recover and Sue for the same in any Court that may hold plea thereof.

And be itt further Enacted by the Authority a^d that all and Every Lott or Lotts parcell or portion of ground Assigned to the use of any Community and paid for and built upon According to the Directions of any the a^d Acts before her said Majesties Disallowance of the said Acts was notified shall remaine to such Community for whose use it was built her said Majesties Disallowance of the said Acts afterwards Notwithstanding.

And whereas Sundry persons have taken up Lotts in Diverse Towns of this province and have begun to build so that they have Erected frames tho' not Quite finished their houses According to the Directions of the a^d Town Laws—

Be itt Enacted by the Authority a^d that all such persons who have taken up Lotts and Erected fframes in Such Towns shall have and Enjoy a good Sure and Indefeazable Estate of Inheritance to them and their heirs in such Lotts soe Improved upon Notwithstanding they have not Complied with the Exact prescriptions and directions of the a^d Town Laws.

p. 209 An Act laying an Imposition upon Negroes and on Sevⁿ Sorts of Liquors Imported and also on Irish Servants to prevent the Importing too great a Number of Irish papists into this province.

Be itt Enacted by the Kings most Excellent Majesty by and with the Advice and Consent of his Majesties Govern^r Coun-

cill and Assembly of this province and the Authority of the C. P. same that from and after the end of this present Sessions of Assembly the Importer or Importers of Rum Spiritts wine and brandy from Pensilvania and the Territories thereto belonging by Land shall for Every Gallon of the said Liquors soe Imported into this province pay unto the Kings Majesty his heirs and Successors for defraying the publick Charges of this province to be Collected by the Navall Officer of Cecill County District for the time being or his Sufficient Deputy the sume of nine pence in ready Curr^t Money of this province and shall bring the same Liquors into this province to the place Commonly Called Bohemia Landing and to no other place or Landing till the duties thereof be paid under penalty of fforfeiting to the Kings Majesty his heirs and Successors all such before mentioned Liquors which shall be brought to any other place Contrary to the Intent of this Act or the Value thereof in ready Money one Moyety of the said fforfeiture to the Kings Mj^{ty} his heirs and Successors for the Support of Governm^t of this province and the Other Moyety to the Informer to be recovered in any Court of Record in this province by Action of Debt bill plaint or Information wherein no Essoyne protection or wager of Law to be Allowed. p. 210

And to the end that the said nine pence per Gall. may be Exactly paid and Collected—

Be itt Enacted by the Authority Advice and Consent a^d that before the said Liquors shall be water born in Chesapeak Bay the Importer or Importers shall make Entry thereof upon Oath wth the Navall Officer of Cecill County District of the Number of Casques and the Contents thereof which oath the said Navall Officer by Virtue of this Act shall have Authority to Administer and of the full Contents the said Navall Officer may abate twenty p Cent for leakage and other damage to be Sustained and no more.

And be itt further Enacted by the Authority Advice and Consent a^d that if the Importer or Importers a^d after he hath brought the said Liquors to Bohemia Landing a^d shall put the said Liquors on board any Vessell in Chesapeak bay or any rivers Creeks or harbours thereto belonging before the duty a^d shall be paid in ready money as a^d that then the Importer or Importers shall fforfeit the said Liquors or the Value thereof in ready money to the uses a^d to be recovered as a^d p. 211

And be itt further Enacted by the Authority a^d that when the Importer or Importers a^d have made fair Entries as a^d and paid the duty as a^d that then the Navall officer shall give the said Importer a permitt to Carry the same to any River Creek or Harbour or port or place of this province to make sale of the same

C. P. Provided always that if any person or persons shall Import any the Liquors a^d from Pensilvania a^d in Sloops or other Vessells by Sea through the Capes of Chesapeak Bay into this province that then such Importer or Importers shall only pay the duty of Three pence per Gallon as others doe.

And be itt further Enacted by the Authority Advice and Consent a^d that the Navall Officer a^d for the said duty of nine pence per Gallon a^d shall acc^t with the publick Treasurer of the Eastern Shoare and the publick Treasurer of the Eastern Shore shall Account to the Gen^l Assembly of this province as is herein after Mentioned which said Navall Officer shall make Oath before his Ex^{ty} the Govern^r or whome the Govern^r shall Impower to Administer such oath that the said Navall Officer shall use his Utmost power and Diligence to Cause this Act
p. 212 Effectually to be put in Execution and a Certificate of such Oath taken shall be Entred upon the Councill book. And to prevent too great a number of Irish papists being Imported into this province—

Be itt further Enacted by the Authority a^d by and with the Advice and Consent a^d that all Masters of Ships and Vessells or others Importing Irish Servants into this province by Land or by water att the time of their Entry shall pay unto the Navall Officer for the time being belonging to such port or place where they make their Entry the sume of twenty shillings Sterl. per poll Towards the Defraying the publick Charge of this province for Every Irish Servant soe Imported on penalty and fforfeiture of five pounds Sterl. per poll for Every Servant so Concealled att the time of his Entry a^d the one halfe thereof to be appropriated to the uses a^d the other halfe to the Informer or him or them that shall sue for the same to be recovered in forme a^d

Be itt further Enacted by the Authority Advice and Consent a^d that for Every negroe Imported into this province Either by Land or water the Importer or Importers of such Negroe or Negroes shall pay unto the said Navall Officer a^d the Sume of Twenty Shilling Sterling per poll for the Uses a^d on penalty and fforfeiture of five pounds Sterl per poll for Every
p. 213 Negroe kept back or Unaccounted for to be Applied for the uses a^d and to be recovered as a^d

And be itt further Enacted by the Authority a^d by and with the Advice and Consent a^d that from and after the publication hereof all Masters of Shippes or Vessells or all other persons that shall by water Import any Rum Brandy Spiritts or Wine into this province shall pay unto the Navall Officer a^d where they make their Entry the sume of three pence per Gallon for Every Gallon of Rum Brandy Spiritts or Wine soe Im-

ported into this province as a^d to be Applied to the Uses a^d c. p. Liquors from Great Brittain always Excepted.

And be itt further Enacted by the Authority Advice and Consent a^d that no Rum Brandy Spiritts or wine upon which the duties a^d are Assessd shall be Landed or put on Shore out of any Shipp or Vessell which shall Import the same or any other without due Entry thereof with the Officer thereto Appointed (upon oath of the said person or persons Importing any the a^d Liquors) for Collecting the same in the port or place where such Liquors shall happen to be Imported as a^d or before the duty due and payable for the same be Satisfyed or Secured to be Satisfyed and a warrant for the Landing thereof be Signed by the Officer for that purpose Appointed upon pain and perrell that all such Liquors Landed and put on Shore Contrary to the true Intent and meaning of this Act p. 214 shall be forfeited and Lost or the full Value thereof one halfe to be Appropriated towards the Defraying the publick Charge of this province and the other halfe to the Informer or him or them that shall sue for the same to be recovered as a^d. And for the better Encouragem^t of all Masters Merchants owners and other persons whatsoever to make due Entrys and payment of the duties Rates and Impositions raised by this Act in Consideration of Leakage and other damage the Officer is hareby Authorized and Empowered to make Allowance and Abatement of twenty Gallons in Every hundred Gallons of all such Liquors soe to be Entred as a^d and the Officers hereby Appointed for Collecting and Gathering the duties a^d shall and are hereby Impowered upon any Suspicion of fraud or deceit by any Importer owner or proprietor of any such Liquors in Concealing and not making due Entry of the same to goe and Enter on board any Ship or Vessell or into any house or Warehouse or Else where and from thence to Seize bring on Shoare or Secure all such Liquors for which the duties a^d are not duly paid or Secured to be paid as a^d that the said Officers and their Deputies or any of them may freely stay and remaine on board untill the goods are De- p. 215 livered and discharged out of the said Ship or Vessell and all Officers as well Military as Civill of this province and Masters and Officers of Shippes are hereby required and Enjoyned to be aiding and Assisting to such Navall Officers in Discharging their duty a^d for all which the said Officers and others assisting them shall be saved and kept harmless by Virtue of this Act.

And be itt further Enacted by the Authority and Consent a^d that all such Navall Officers shall give good Security to the Govern^r of this province for the time being and shall take

C. P. the Sevⁿ oaths well and faithfully to gather Impost so arising by Virtue of this Act or any Clause herein Contained and a just and faithfull account thereof twice a year shall give and render to the publick Treasurers of this province for the time being Authorized for receiving the said Impost for which the said Treasurers shall have for their Salary five per Cent, and no more who are to give bond for the same to be Accountable and render an Account to the Assembly that shall then next meet to be by them disposed of towards the Defraying of the publick Charge of this province

And be itt further Enacted by the Authority Advice and Consent as^d that Every Master of a Ship or other Vessell att the time of his Entry of Such Ship or Vessell wherein such
 p. 216 Liquors shall be Imported as as^d shall render upon oath an Account of the Quantity and Qualities of Liquors as^d and the Severall and respective Navall Officers within this province for the time being shall att the time of their Entry of such Shipp or Vessell as as^d take good and Sufficent Security in his Majesties Name for the paym^t of the said Imposition last Mentioned to Such use and purpose in such Manner and forme as by this Act is appointed all which duties ariseing by the Impositions as^d shall be Collected and Gathered by the Navall Officers in their Severall and respective Districts for which they shall have Eight per Cent Salary and no more

Provided always that if any Importer of Rum or wine into this province after the end of this Sessions of Assembly and within three months after his Arrivall and Such his Report made to the Navall Officer or such Officer Legally Impowered as as^d to take the same as as^d shall Export any of the said Rum Brandy Spiritts or wine by him Imported as as^d itt shall and may be Lawfull for Every such Importer by way of Debenture or Draw back money to Stay and Detaine three fourth parts of such Imposition always provided that the said Exporter who Desireth the benefitt of the said Debenture or Draw back shall Declare on his Corporall oath to be Adminis-
 p. 217 tred by the said Officer on the Holy Evangelists of Allmighty God that the said Rum Brandy Spiritts or wine by him Desired to be Exported is part of the said Rum brandy Spiritts or wine by him Imported and made report of as as^d

And be itt further Enacted by the Authority as^d by and with the Advice and Consent as^d that no Ship or Vessell built in this province whereof all the owners shall be Actually residents of this province and that no Ship or Vessell English or plantation built purchased Enjoyed and held by owners which are all residents within this province shall any ways be Lyable to pay any the Duty aforementioned for any thing in

this Act Mentioned which shall be Imported in any such C. P. Ship or Vessel—

Provided the said Servants Negroes or Liquors are brought into the Capes of Chesapeak Bay or into any the Inletts on the Seabord Side of Somerset County in any of the a^d Ships or Vessells and not taken on board in the said Bay or any Creek or River thereto belonging or from on board any other Ship or Vessel whatsoever within ten Leagues of the Capes of the said Bay any thing in this Act or any other Law Statute or Usage to the Contrary notwithstanding.

An Act for the better Administration of Justice in Testamen- p. 218
tary Affairs granting Adminis^rcons recovery of Legacies
Secureing filiall portions and distribution of Intestates
Estates.

Whereas for the due Administration of Justice itt is most necessary that the wills of all persons may be duly proved and Executed and L^res of Administrac^on of the Estates of all persons dying without wills may be granted to such persons who have the best right to Succeed thereto and all Legacies Speedily recovered and filiall portions and orphans Estates duly secured and Easily obtained according to Law and Justice—

Be itt Enacted by the Kings most Excellent Majesty by and with the Advice and Cons^t of his Majesties Govern^r Councill and Assembly of this province and the Authority of the same that the Judge or Com^{rs} Gen^l for probatt of wills and granting Administrac^ons shall hold his Court once in Two months at the Least or oftⁿer as the Case shall require and therein shall proceed according to the Laws of England now in force or hereafter to be in force within twelve months after such Laws shall be published in the Kingdome of Great Brittain if pleaded before him Saving in such Cases as by this present Act is provided And that itt shall and may be Lawfull for the Judge for probatt of wills to take the probatt or Cause to be proved any Last will or Testament within this province altho^t the same Concernes Titles of Land any Law Statute Usage or Custome to the Contrary notwithstanding.

And to the end that all filiall portions may be secur^d to the p. 219
Children of all persons dying Intestate and Legacys paid to
Lagatees of persons making wills or Testaments

Be itt Likewise Enacted by the Authority a^d by and with the Advice and Consent a^d first, that the Judge for probatt of wills and granting adminis^rns shall call all Ex^{ms} and Adminis^{rs} to Exhibitt Inventorys within three months and render

C. P. Accounts within twelve months next after Adm'n Comitted of the personall Estates of such Decēd persons and if any Administrator shall faile to Exhibitt such Inventory or give Acc^t within the time af^d being Lawfully thereunto Cited that then the said Judge if he see Just Cause may Issue forth Process of Attachm^t against such Administrator to oblige him her or them as well to Exhibit an Inventory or render acc^t as af^d as to answer for his her or their Contempt of such former process after the Usuall Manner and in Case such Administrator shall not render such Acc^t or Exhibitt such Inventory Untill two Sevⁿ Attachmⁿ shall be returned to two Separate Courts ag^t such Adm^rs Either that the Adminis^r hath been Attached or is not found in the County where they Live itt shall & may be Lawfull for the said Judge to revoke the first Letters of Adm'n to such Adminis^r Comitted and shall grant
 p. 220 adm'n de bonis non Administratis to such as shall have the next right to such Adm'n which said Administrator shall be duly Qualifyed as Usuall and give Security as all other Adminis^rs doe and shall sue and Implead the former Adminis^r before the Judge af^d for the Exhibitting an Inventory and rendering an Account of the Estate of the Intestate or if he shall see fitt shall make Application to such Judge or Com^{ty} Gen^l for the Assignm^t of the bond Entered into by the former Adminis^r and his Sureties and shall or may put the same bond in Suite against such Adminis^r and his Sureties (if need be) to be relieved thereon for any Neglect or Mall Administracōn by such former administrator done or Suffered of such Deceased psons Estates.

And be itt further Enacted by the Authority af^d by and with the Advice and Cons^t af^d that when a full Acc^t is made by any Adminis^r of any Intestates Estate the Judge af^d shall make or Cause to be made distribution of the Surplusage of such Estate in Manner and forme following (that is to say) one third part of the said Surplusage to the wife of the Intestate and all the residue by Equall portions to and amoungst the Children of such persons dying Intestate and such persons
 p. 221 as Legally represent such Children in Case any of the said Children be then dead other then such Child or Children (not being heir at Law) or who shall have any Estate by the Settlem^t of the Intestate or shall be Advanced by the Intestate in his Life time by portion or portions Equall to the Share which shall by such Distribution be Allotted to the other Childⁿ to whome such distribution is to be made. And in Case any Child (other then the heir att Law) who shall have an Estate by Settlement from the said Intestate in his Life time by portion not Equall to the share which will be due to the other Children by such distribution as af^d then soe much

of the Surplusage of the Estate of such Intestate to be Dis- C. P.
tributed to such Child or Children as shall have any Land by
Settlement from the Intestate or were Advanced in the Life
time of the Intestate as shall make the Estate of all the said
Children Equall as near as can be Estimated, but the heir att
Law notwithstanding any Land that he shall have by Descent
or otherwise from the Intestate is to have an Equall part in
the Distribution with the rest of the Children without any
Consideration of the Value of the Land which he hath by
Descent or otherwise from the Intestate. And in Case there
be no Child or Children nor any Legall representatives of
them then one Moyety of the said Estate to be allowed to the
wife of the Intestate the residue of the said Estate to be Dis-
tributed Equally to Every of the next of kindred of the p. 222
Intestate who are in Equall Degree and those who Legally
represent them (Provided there be no representatives admitted
among Collateralalls after brothers and Sisters Children) and
in Case there be no wife then all the said Estate to be Dis-
tributed Equally to and Amongst the Children and in Case
there be no Children to the next of Kindred in Equall Degree
of or unto the Intestate or their Legall representatives as af^d
and after such Division or Distribution made or Caused to be
made by [him] the Judge shall Transmitt the Acc^d thereof if not
before Transmitted to the Severall and respective Justices of
the County Courts where the said Estates shall be and remaine
and if any part thereof belong to an Orphan who is able of
Chooseeing his Guardian such orphan shall be Called to Court
and shall then and there Choose his Guardian into whose
hands the said Orphans Estate shall be Comitted but if such
orphan be not att age then the Justices af^d shall put the per-
sons Lands goods and Chattells of the said orphans into the
hands of such person or persons as they shall think fitt and
take a bond with two Sufficient Sureties in the names of the
Orphans themselves for the Secureing and Delivering of the
said Estates to the said orphans or their Guardians when p. 223
thereunto Lawfully Called According to the rules and Direc-
tions by this Act prescribed and not Otherwise which Rules
shall be rules not only for the Justices of the County Courts
to proceed by in taking the Accounts of Guardians or Trustees
for Orphans but alsoe for the Judge for probatt of wills and
granting Administracōns in the Acc^{ts} of Administrators and
bare Ex^{rs} to the benefitt of others nor shall the Judge give
any other Allowances to any Administ^r or Administ^{rs} upon his
her or their Accounts but for Debts bona fide owing from the
Decēd and really paid or Secured to be paid by the Sev^{ls} and
respective Administ^{rs} Together with the necessary Charges.

First no Negroe or other Slave shall be Sold or disposed

C. P. of by any Administ^r for payment of Debts or otherwise reserved for the Adminis^r own Use in Satisfaction of any Debts due to the said Adminis^r nor any Execution Served upon any Negroe or other Slave soe long as there shall be other goods of the Deceased Sufficient to Satisfie the Just Debts of the said Decēd but shall be kept upon the hazard of the Estate and Employed for the benefitt of the Credittors and Orphans (if any be) Untill the Cropp that was upon hand or shall have been begun in the Life time of the Decēd shall be finished which shall always be Deemed to be by the Last day
p. 224 of January next after such Intestates Decease after which the Adminis^r is to Account for the Estate and such Cropp shall be Assetts to the Credittors and Divideable between the wife and Child or Children or Relations of the said Deceased if there be no Credittors and the Judge for probatt of wills upon passing the Account of such Administrator shall allow him his reasonable Charges Expended in finishing such Cropp.

Secondly—that no Account be allowed for diet Cloaths or physick to any Adm^r or Guardian to any Orphan Against the Estate of the Intestate or against the filiall portion of any Child Committed to any Guardian or other p^{rs}ons Intrusted by the County Court but the said Orphan shall be Maintained and Educated by the Interest of their Estate and the Increase of their Stocks soe far forth as their Said Interest and Increase will Extend Unto but if the Estate be so small that the Interest or Increase thereof will not Extend to a free Education and Maintainance of such orphans then such Orphans shall be bound Apprentices to Mariners or some handicraft trade or other person att the discretion of the County Courts untill they Arrive to the age of Twenty one Years Except some
p. 225 Kinsman or relation or some other Charitable person will Maintaine and Educate them for the Increase of the small Estate they have without and Diminution of the principall which shall always be delivered to the Orphans at the years hereafter in this Act Limited and Appointed then such Kinsman relation or other Charitable person is thereby Obligated to performe what is by this Law before Injoynd and to be Ascertained by the County Courts.

Provided always that where any person being a protestant that shall dye and Leave a widow and Children and such widow shall Intermarry wth any person of the Romish Comunion or be herselfe of that Opinion and profession itt shall and may be Lawfull for his Majesties Govern^r and Councill within this province upon Application to them made to remove such Child or Children out of the Custody of such parents and place them where they may be Securely Educated

in the protestant religion and to order such reasonable Maintenance for such Child or Children soe removed out of the Estate or Estates belonging to such Child or Children in whose hands soever having respect that only the yearly profitts and Increase thereof be applied thereto and such Childrens Estates be not Diminished thereby.

Thirdly—that all Cattle horses and sheep shall be returned in kind by the Guardians or other persons Intrusted with Orphans Estates that is to say soe Many Cattle horses and sheep as were delivered to the Guardians or Trustees of the Orphans and as near as Can be of Like Value. p. 326

Fourth that all money plate rings and Jewells be preserved and not used by the Guardians or Trustees and Delivered to the orphans when they Come to Age and that all household Stuff and Lumber be Appraised in Money and not Otherwise and the Value thereof paid to the orphans as af^d Either in Money According to the Appraisem^t or in Tobacco att the then price Current and in Case any Difference shall Arise what shall be price Curr^t att the day of payment Limited in the bond taken the Justices in the County Court where the Orphans Estate doth Lye shall then determine what shall be the price Curr^t

Fifth, that Every Male Orphan shall be of full age to receive his Estate from his Guardian att the age of Twenty one Years and not before but in Case any person by his Last will and Testament doth Appoint any person to be his Execu^r or Execu^x that is full Seventeen years of age that person soe Appointed shall be Adjudged to be of Sufficient age to be Executor or Ex^x And if such Ex^r or Ex^x be under the age of Seventeen years the Administracōn shall then be Comitted to such proper person as the Judge for probatt of Wills and granting Adminisⁿs shall Legally approve of Durante Mino- p. 327
ritate to the profit use and behoofe of the Infant Exⁿ or Ex^x and not otherwise nor in any other Manner. And forasmuch as the right to Adminisⁿ of the goods of persons Intestate may fall upon persons under the age of Seventeen years It is hereby Declared that as they are within Like reason soe they are within Like Law with Infant Exⁿ.

Sixth, that Every female orphan shall be Accounted of full age to receive her Estate att the age of Sixteen years or day of Marriage which shall first happen

Seventh, that all Negroes and other Slaves after the transmitting of the Estate to the County Courts as af^d shall be appraised to the Guardians or Trustees and preserved by them and be Employed to the said Guardians or Trustees use and benefitt and the like number of Slaves and of the Like

C. P. Ability of body be returned to the said orphans out of their Increase or otherwise att their full age by this Law Limited and if any of the said Slaves be grown aged or otherwise Impotent or be Lamed and that the Increase will not make the originall Stock good as to the Number and ability of Body that then they shall be againe appraised by the said County Courts and the Guardians or Trustees shall pay to the Orphans so much Money or Tob^o as the County Courts shall
 [p. 228] adjudge the orphans Stock of Negroes Then to be of Less Value then they were att the time of their first appraisment and Delivery of their Said Slaves to the said Guardians or Trustees but in Case no Guardian or other person will upon those Termes Accept of those Slaves then itt shall and may be Lawfull for the said Sevⁿ and respective County Courts to put the said Slaves out upon other terms to any other person soe that the said Originall Stock of Slaves be not Sold nor any of their Increase but in the best Manner preserved for the Orphans till they come to their Sevⁿ ages by this Act Limited and Appointed to the Intent they may have their first Stock made good to them in Number Value and ability of body if itt may be.

Eighth—that all Servants for years be Likewise returned in kind to the orphans att their full age (That is to Say) the same Number of the same age and Sex and by like Number of years to serve and of the same Ability of body as near as can be Estimated as the Servants were when reced by the Guardian or Trustee. And to the end that after an Acc^t or Distribution made as af^d the ballance of such Acc^t or the distribution of such Ballance may not be neglected to be Transmitted to the Severall and respective Justices of the County Courts as before is Directed—

p. 229 Be itt Enacted by the Kings most Excell^t Majesty by and with the Advice and Consent af^d that if such Judge for probatt of Wills Commissary or Comm[']ys Genⁿ shall not within three months after such Account made up Exhibitted and past in his Office or after distribution made by him as af^d Transmitt the ballance or Acc^t thereof as before by this Act is directed to the Sevⁿ and respective Justices of the County Courts where the Estate shall be and remaine he or they shall forfeit and pay to our Sovereigne Lord the King his heirs and Successors the sume of Ten Thousand pounds of Tob^o of which one Moyety for the Support of Governm^t of this province the other Moyety to him or them that shall sue for the same to be recovered by Action of Debt bill plaint or Information wherein no Essoyne protection or Wager of Law to be Allowed.

Ninth—whereas Every Administrator in an Inventory In- C. P.
serts what Debts are Sperate and what Debts are desper-
perate the Judge for probatt of wills shall Transmitt
those Desperate debts of the Estate unto the Severall
and respective Justices of the County Courts where the
Estates shall lye to the end the said Justices may Inquire
whether the said Adminis^r hath by fraud or Otherwise neg-
lected to recover the same or hath recēd and never Ac-
counted for the same and shall with the residue of the said p. 230
Estate Comitt the said Desperate Debts to the Care of the
said Guardian or other Trustees by them Employed and shall
Yearly and Every Year Call the said Guardians to Acc^t for
the same and duly Inspect what of the said Debts they have
recēd or might have recēd and if the said Guardian or Trus-
tee failes to give in his Account yearly or by ffraud or Covin
Neglect or forbear to recover the same the said Guardian or
Trustee shall stand and be Accountable for Every such debt
by him recēd and not Accounted for or Neglected or for-
bourn to be recovered under the penalty of five hundred
pounds of Tob^o [sic] Each Justice present in Court one halfe to
his Majesty the other halfe to the Informer or him or them that
shall sue for the same to be recovered as af^d

Tenth—that the Justices of the County Courts take able
and Sufficient security for Orphans Estates & Enquire yearly
of the Security and if there be Just Cause that they require
new and better Security and upon refusall to give new and
better Security that they remove the orphans Estates out of
their hands and farther that the Justices of County Courts
shall yearly in June Court inquire by a Jury of good and
Lawfull men to be Summoned out of the Severall hundreds p. 231
of the County not under the number of Twelve who upon
their Oaths shall Enquire According to the forme hereafter
Exprest (Viz) whether the orphans be kept Maintained and
Educated According to their Estates and whether Appren-
tices are taught their Trade or rigorously used and Turned to
Common Labour att the Ax or hoe instead of Learning their
Trades and if they find that orphans are not Maintained and
Educated According to their Estates or Apprentices Neg-
lected to be taught their trades upon pretence that the last year
is Enough to Learn their Trade that they remove them to
other Guardians and Masters and in Case the Jury find that
any Apprentice is not taught his Trade but put to other
Labour as af^d the County Court shall Condemn the Master of
such Apprentice to make the Apprentice such Satisfaction as
in Justice his years of Labour or other work shall Deserve.

Eleaventh that the Justices of the County Courts Cause the
Condition of the bonds they take from Guardians or Trustees

- C. P. of Orphans Estates to be Exactly drawn According to this Act and recorded in the County Court and the Indentures for Apprentices Likewise that itt may duly Appear to the Justices whether Guardians Trustees and Masters doe right and Justice to Apprentices and to the Country and that the Justices do right between them and to that end that they
- p. 232 Cause the Clerk of their County to present the Jury with a list of the Orphans and apprentices of their County Every June Court.

Twelfth—And for the better ascertaining what Salary shall be Allowed Ex^{rs} and Adminis^{rs} upon their Account of Admⁿon by the Com^{rs} Gen^l of this province for the paines and Trouble hazard and Adventures in Administring Estates—

Be itt Enacted by the Authority a^d by and with the Advice and Consent a^d that for Every Sume or Sumes of money Quantity or Quantitys of Tob^o or other goods or Chattells that shall be bona fide paid by Ex^{rs} or Adminis^{rs} the Com^{rs} Gen^l shall allow the Ex^{rs} or Adminis^{rs} the Salary of Ten per Cent Except as is herein after Excepted.

- And be itt further Enacted by the Authority a^d by and with the Advice and Cons^t a^d that if the residuary Legatees of any person or persons dying within this province and making a will or the next of Kindred to any person or persons dying Intestate in this province and who ought to have the residue of such decēd persons Estate doe dwell in England or other parts of his Majesties Dominions out of this province soe that the Ex^r or Adminis^r Convert the residue of all the reall and personall Estate (after debts and Legacies here paid) into
- p. 233 Money or other Effects for the best advantage of the persons to whome due and returns the same to such residuary Legatees or kindred as a^d that then the Commissary Gen^l shall Allow to such Ex^r or Adm^r the Usual Salary allowed by Merchants to there factors (Viz.) Ten per Cent.

And whereas itt Sometimes happens that persons of great dealing dying in this province have their books Very Imperfect soe that itt Cannot be Exactly known what debts are due upon such books unless the Ex^r or Adm^r takes the paines to Carry about such books from one Supposed Debtor to another to State the Acc^{ts} which many times proves a Considerable Toyle to the Executor or Adminis^r and requires a Very great deal of Trouble and Charge and many times there appear Discounts or Defeazances or Receipts to barr such book debts or the debtors where the Acc^{ts} are old are Insolvent or the like and the Executors or Administrators for such their great paines and Diligence have hitherto had no Allowance—

Therefore least itt should be a Discouragement to Ex^{rs} and

Admⁿ that having no Salary therefore they should be negli- c. P.
gent or too Sparing of paines to Improve the Testators or
others Estates—

Be itt Enacted by the Authority Advice and Consent a^d
that where the Executor or Administrator can fairly make p. 234
appear to the Commissary Gen^l that he hath had such Con-
siderable Toyle as a^d and no benefitt hath Arisen to him
thereby to recompense his said Toil It may be Lawfull to and
for the said Com^{rs} Gen^l to Allow such Ex^r or Administrator
something in the whole for such paines and desperate debts
att the Discretion of such Commissary Gen^l not Exceeding
five p Cent on any one Mans Estate.

But for such part of the Deced's Estate that shall remaine
(after all debts and Charges paid and Disbursed and Acc^t past
before the Comm^{rs} Gen^l) to residuary Legatees or other
Legatees or next of Kindred and Delivered to them in Specie
without Traversing the Estate and Converting itt into Money
or Tob^o for that purpose there shall be no Salary allowed Any
Usage Custome or former Act of Assembly to the Contrary
notwithstanding.

Thirteenth—And further in regard by the Judges or Com^{rs}
Gen^l for probatt of wills and granting adminis^{ns} his Comⁿ
there is a Saving to all persons their right of appeale from the
Sentence of the said Judge to the Chiefe Govern^r of this
province for the time being—

Be itt Enacted by the Authority a^d by and with the Advice
and Consent a^d that all and Every person and persons Ap- p. 235
pealing from the Sentence of the said Judge shall within
fifteen days at the farthest after such Sentence Enter his
Appeale before the said Govern^r and within fifteen days more
Petition the Govern^r of this province for the time being to
Examine the Sentence of the said Judge or Appoint such
other person or persons as he shall think fitt to hear and
Determine the same whose sentence shall be finall without
other appeale or review. Provided nevertheless that in Case
the person or persons against whome such Sentence shall
pass shall Comply with the same then itt shall and may be
Lawfull for the Govern^r or such Court of Delegates to grant
an appeale therefrom.

And be itt further Enacted by the Authority a^d by and with
the Advice and Consent a^d that the Com^{rs} Gen^l of this prov-
ince or other person or persons that shall from time to time
be Appointed as Judge or Judges in Testamen^{ty} Causes for
granting Adminis^{ns} shall from time to time and att all times
dureing their Continuance in such Office Constitute ordaine
and Appoint some able and Sufficient person of good repute

C. P. and a freeholder in Every respective County within this province to take the probatt of any Last will and Testament of any persons Either nuncupative or in writing Even tho the
 p. 236 same be Concerning Titles of Land and Likewise to grant Adminis'n of the goods and Chattells of persons dying Intestate in the respective County or Countys where each person or persons soe appointed shall reside and Inhabitt which said person in Each respective County of this province soe appointed as af^d shall and may take the proof of any will whatsoever as af^d of any person as af^d within the County as af^d and grant Letters Testam^{ry} upon the same and likewise grant Adminis'n to any person or persons whatsoever that right has to the Administracōn of the Estate of any person decēd within the County where he dwelleth as af^d but if any Contest or dispute shall arise between any persons Concerning the right to Adminis'ns or Executorship the same shall be decided by the Commissary Gen^l or the Judge in Testamentary Causes and not by such person appointed in Each County as af^d neither shall such person grant Adminis'n or take the probat of such will till such time as such dispute or Difference shall be decided and Determined by the proper Judge thereof and Certificate from such Judge of such determination or Decision and such person soe Appointed as af^d shall and is hereby Allowed as a fee for granting such Letters
 p. 237 of Administration as af^d swearing the Adminisⁿ and Appraisers or for the probatt of any will and Swearing the Ex^r or Ex^{rs} appraisers and Letters Testam^{ry} the sume of one hundred and fifty pounds of Tob^o to be Levyed by Execution after the same Manner and under the same penalties directed by the Act of Assembly of this province for Limitation of Officers fees against the person or persons requireing and having Letters of Administration or Letters Testamentary as af^d Unless the Estate be soe Small as the Inventory of such Estate doth not Amount unto ten pounds in Money there shall be paid to such person soe Appointed for such Letters of Administracōn or Letters Testam^{ry} as af^d the sume of fifty pounds of Tob^o to be Levyed as af^d and no more and then and in Every such Case the Com^{ry} shall have no fees.

And be itt Enacted by the Authority af^d by and with the Advice and Consent af^d that all Guardians of orphans that shall have any reall Estates in Lands with the orphan or orphans to whome the same belong Comitted to them other then such to whome the Testator in his Life time by his Last will and Testament hath otherwise ordered and Disposed of within one month after taking upon him or her the Guardianship of such Orphan or orphans shall with one Commissioner of the said County where the Land lyeth and two other

persons of good repute and well skilled in building and plan- C. P.
tation affairs neither of them being of kin Indebted or otherwise P. 238
Interested in Either Orphan or Guardian (such two persons
to be Nominated by such Commissioners) Enter into the Lands
and plantations of such orphan or orphans belonging and
View the dwelling houses and Outhouses Lands orchards and
fences that are upon the said plantation and then & there
the said two persons soe Qualified as af^d shall take their
Corporall oaths Upon the Holy Evangelists by the said Com^r
to be Administred that According to the best of their skill
and Judgment they will make a Just Estimate of the Annuall
Value of the said Lands and plantation and what Dwelling
houses out houses and orchards are upon the same and what
repair they are in what part of the said Land the said
Guardian may be farther Comitted to Clear upon the said
plantation as well to raise the yearly rent soe Valued as af^d as
alsoe toward his yearly Charge in keeping the said Dwelling
houses Outhouses Orchards and ffences in repair And soe by
him to be Left always having a regard to Leave a proportion-
able part both for Quality and Quantity of uncleared Land P. 239
for the benefitt and Advantage of the Orphans or heir when
att age to possess the said Land or plantation as alsoe the
orphans Maintainance out of the same where the profitts of
personall Estates be not sufficient to maintaine him or them
and the same to Certifie under their hands and Seales Attested
by the Commiss^r soe Administring the Oaths as af^d to the
County Court next Ensueing after such review soe had and
made as af^d and then to remaine upon Record untill the said
orphan or heir come to Age which Certificate soe entred and
remaining upon Record as af^d shall be Sufficient Evidence in
Law for the said Orphan or Orphans to recover Double
damages in an Action of waste by them to be brought when
att age for any waste Sale or destruction Comitted or done in
any of the premisses other then what the persons have Cer-
tified and thought Necessary with due respect had to all
Matters and Circumstances af^d And to the end as well the
Guardian and Guardians af^d as the other persons Mentioned
and Appointed to Value the Land as af^d may not faile to doe
their duty

Be itt Enacted by the Authority af^d by and with the Advice
and Consent af^d that Every Guardian or Guardians of any
orphan or orphans that shall for the future Neglect within one
month after Entring upon his or their Guardianship af^d to doe P. 240
and performe what is by this Act required shall forfeit the
sume of five thousand pounds of Tob^o and any Com^r or
Justice of the peace or other person or persons in the said
County Living that shall refuse or Neglect what is by this

C. P. Act required of them to Doe and performe being thereunto Demanded shall forfeit the sume of five hundred pounds of Tob^o Each one halfe thereof to our Sovereigne Lord the King his heirs and Successors for the Use of the orphan or orphans therein Concerned the other halfe to the Informer or him or them that shall sue for the same to be recovered in any Court of Rec^ord in this province of all and Every such person that shall soe as af^d refuse or Neglect to performe what is by this Act required.

And whereas it has been doubted whether in Valuing or Estimateing the said orphans Lands and plantations in this Act mentioned the Quit rents to the Lord of the same are not to be Considered and allowed for as well as reparations and other things in this Act Mentioned

It is hereby further Enacted and Declared that the said Quit rents Ought and are hereby declared and Enjoyed to be Considered Deducted & Allowed upon the yearly Value of the said Land and the Guardian pay the same. And that
 p. 241 Any Guardian af^d that shall Neglect after such allowance made of the same in the Value of the said Land and hath not paid such Quit rents as af^d shall forfeit to the orphan when at age four fold the Value of such rents that he left in Arrears att the full age of such Orphan to be recovered by Action of Debt bill plaint or Information Wherein no Essoyne protection or wager of Law to be Allowed.

And be itt further Enacted by the Authority af^d by and with the Advice and Consent af^d that the Commissⁿ of Each County Court within this province by Virtue of this Act shall have power from time to time and att all times hereafter upon presentment of the orphan Jury or other Information given to them of such Sale waste or Destruction made done or Comitted upon any orphans reall Estate by any such Guardian to Issue their warrant and Cause such Guardian to appear before them in the County Court And if upon Examination thereof the said Information be sufficiently proved that the said Guardian shall Answer the Damage of such waste by him Comitted Contrary to this Law to such orphans when att age and the said Commissⁿ shall require such Guardian or Guardians to give Sufficient Security to make Satisfaction to the said orphan or orphans when att age as af^d and upon refusall
 p. 242 thereof the said orphan or orphans (if at age to Choose his or their Guardians) shall Elect his or their Guardian or Guardians and if not att age to make such Election such other person or persons shall be appointed as the Commissioners of the County Court where the said Land Lyes shall think meet which said Guardian or Guardians or other person or persons

soe Chosen or Appointed as af^d being willing to take the said c. p.
Orphans reall Estates into their possession shall hold and
Enjoy the said Lands and plantations Comitting no waste and
performing all such Matters and things at his or their Entry
thereupon as by this Act is required untill the said orphan or
orphans Come to age and the said person or persons so
Chosen Guardian or Guardians as af^d or by the Justices of the
County Court soe appointed and put in possession of the
orphans Lands as af^d shall by Virtue of this Act in the name
and to the use of such orphan bring his Action of waste against
the former Guardian for the Damages by him Comitted and
the Commissioners of the Sevⁿ County Courts within this
province are hereby Injoynd and required to give in Charge
Every June Court to the orphan Jury to Enquire if any waste
hath been made of orphans Lands Under the penalty of six-
teen hundred pounds of Tob^o one halfe thereof to his Majesty
his heirs and Successors for the Support of Goverment the p. 243
other halfe to him or them that shall sue for the same to be
recovered in the provinciall Court by bill plaint or Informa-
cōn wherein no Essoyne protection or wager of Law to be
Allowed.

And be itt further Enacted by the Authority af^d by and with
the Advice and Consent af^d that the Sevⁿ and respective
Deputy Commissarys which are and shall be in the Sevⁿ and
respective Counties within this province shall and are hereby
sufficiently Authorized and Impowered to pass Audite and
Allow all such Accounts as shall Come before them relating
to dead mens Estates wherein they have granted Letters of
Administration or Letters Testam^{ry} not Exceeding ffifty
pounds in money—Provided there be no Controversy thereon
and to transmitt such Accⁿ within two months to the Com-
missary Gen^l office att the City of Annapolis under the
penaltie of two thousand pounds of Tob^o one halfe to his Maj-
esty for the Support of Governm^t and the other halfe to such
party as shall render such Acc^t for which passing such Acc^t
the said Deputy Commiss^{ry} shall be allowed as a ffee the Sume
of fifty pounds of Tob^o to be Levyed as af^d and no more and
if such Deputy Com^{ry} as af^d shall Exact Demand or receive p. 244
of any person whatsoever more then is by this Law for Exe-
cuteing such his office Allowed him he shall be Lyable to such
paines and penalties as are Included in a Certaine Act for
Limitting officers ffees in this province but in Case itt shall
soe happen that any person or persons having any Interest or
Claime in such Estates shall make any Objections to the
Legality or Justice of any Article or Articles Contained in the
said Accⁿ then the said Deputy Com^{ry} are forthwith to mark
such Articles and Transmitt the Acc^t with all papers thereto

C. P. belonging unto the Commissary Gen^l before whome all parties are to appear and Defend their Interest. And whereas many men have bequeathed and devised or hereafter may bequeath or Devise to their wives by their Last wills a Considerable part of their personall Estates Intending no Doubt but not Expressing that such bequest or devise should be in full of such wives part portion or third part of the said Testators Estate and yet such wives Widdows and relicts have not only Claimed such Devise and bequest as Legacies but have further Claim'd their part of the remaining Estate of their decēd husbands—

p. 245 Be itt further Enacted by the Authority a^d by and with the Advice and Consent a^d that in such Case where the Testator bequeaths or devises a Considerable part of his personall Estate to his wife and itt appears not in any part of his will or Codicill that he Intended the said Devise as a Legacie to his wife only and that she might Nevertheless have a Third part of his remaining Estate that itt shall be att the Election of such wife widdow or relict within forty days after the probatt of such will to make her Election before the Judge for probatt of wills or the respective deputy Com^{rs} in Each respective County whether she will be Content with such Devise or will have her third and release the Devise and if she make Choice to have what is soe bequeathed or devised to her then by that Choice she shall be forever barred from Claiming her third part a^d and if she renounce what is soe bequeathed and devised she shall then have her third part a^d and be barred of her devise but shall not Claime or have both but in Case such widdow shall Neglect to make such Election within the time a^d she shall then be Concluded by having a full third part of the Clear personall Estate of her decēd husband besides her dower of his reall Estate in full of all such devises or Legacys.

Provided always that such part of the personall Estate or
p. 246 Estates be Lyable to pay the debts of the decēd as other part of the Estate is or ought to be and if such wife widdow or relict have any part of her husbands Lands or reall Estate of Inheritance devised to her by her husband And that itt doe not appear by any part of the will that he Intended her such a part of his reall Estate A^d and her dower out of the rest of his reall Estate besides then itt shall be Lawfull for such wife widdow or relict to make her Election as a^d within the time a^d whether she will Accept of such devise or of the third part of all her husbands reall Estate of which she is Endowable and if she Accept of her devise she shall be forever debarred of her dower out of the rest of the Testators reall Estate a^d

and if she Accepts of her dower then such Acceptance shall be Adjudged a full recompence of her devise af^d but in Case she shall neglect to make such Election within the time af^d she shall then by such Election be Concluded to what is devised to her and shall be thereby barred of her dower of such Decēds Reall Estate Unless itt shall appear to be the designe of the devisor that such widdow shall have both devise and Dower Any Law Statute Usage or Custome to the Contrary notwithstanding.

Provided always that if any Married woman shall have any Estate Settled upon her by Joynture or other Settlement before Marryage such Joynture or Settlement shall barr her of her dower of her husbands Lands yet itt shall be Lawfull for her to Accept what her husband shall by his Last will and Testament Devise her. And whereas many Orphans have greatly Suffered by the second Marryages of such widdows who having Estates in possession by will or right of Adminis'n Either by such widdows while sole or their husbands dureing the Coverture the same have been wasted and Imbezelled and if the woman dye the said husband refuses to render an Acc^t of such Estate Alledging that he is neither Ex^r nor Adminis^r to his wife nor of her former husband whereas att Comon Law a woman Covert Ex^{tr} Can do no Act to prejudice her husband all such Acts dureing the same being Void without his Consent he not preventing such waste when in his power ought to Answer for the same—

Be itt therefore Enacted by the Authority af^d by and with the Advice and Consent af^d that for Every such waste by such second husband dureing the Coverture such husband shall Account for the same and be Lyable to be sued together with his wife if Living or by himselfe if she be dead (as well as the security) for the said Estate due to such orphan by such orphan if att age if under age by his Guardian and alsoe for all waste Comitted by his wife before Marryage or by himselfe afterwards and whereas Orphans of persons dying Intestate by the good provision of this Law in Committing them to the Care of the County Court to Inspect the good Condⁿ of their Securitys and good usage as af^d are by Experience found to be in better Condition in respect of both then the Orphans of Testators whose Ex^{tr} hitherto have rarely given any Security and that the security they have given many times proves Insolvent—

Be itt therefore Enacted by the Authority af^d by and with the Advice and Consent af^d that the Judge for probatt of wills shall hereafter take good and Sufficient Security of all Ex^{tr} and Adminis^{tr} to the Use of any orphan or orphans in

- C. P. any will mentioned and not Solely to their Own Use for the true performance of such Last will and Testament according to Law and the Intent of the Testator and shall Transmitt an
 • Acc^t of the Legacies Left to any Infant Orphans to the County Courts to be by them secured in the same manner as the ballances of Intestates Estates soe farr as shall be Consonant to the will of the Testator and the Justices of the Sev^l County Courts shall att the same time that they Inquire by a Jury of the good usage and Condition of the Security of other orphans alsoe Enquire of these and if they find the security
 p. 249 Like to be Insolvent or the Orphans ill used that then itt shall and may be Lawfull for such Justices to Act therein as they are by this Law Directed in the Case of Intestates Estates always provided that nothing shall be done by Virtue of this Act which shall seeme repugnant or Contradictory to the last will or Testament of any person deceased. And for the more Speedy Adminisⁿ of Justice to orphans Legatees and others in the prerogative Court for probatt of wills and granting Adminis^{ns} within this province which hath hitherto been often Delayed by Tedious Methods used in Chancery before the Judges Sentence in the said Court Could take Effect the methods of England being att present not practicable here—

Be itt therefore Enacted by the Authority a^d that the prerogative Court for probatt of wills within this province shall have such like Authority in the Enforceing Obedience to the process Orders Interlocutory Sentences and Decrees thereof as the high Court of Chancery now hath or of right ought to have and that Every person or persons that shall not after Sentence given in the said Court ag^t him or them within fifteen days after such sentence Enter his Appeale with the said Judge giving such Sentence and within fifteen days more procure an Examinacōn thereof by a Court of Delegates nor in
 p. 250 the mean time Comply with the Sentence of the said Judge itt being sent to them under the hand and Seale of the said Judge nor give in security to performe the same and oath made of the refusall thereof It shall and may be Lawfull to and for the said Judge to Issue forth of the said Office Under his hand and Seale an Attachm^t against the bodys goods or Chattells of the said persons soe refuseing and him or them to Imprison or his or their goods Chattells or Creditts to attach untill he or they Satisfie or Comply with the said Sentence. And whereas orphans and Credittors are many times Injured by the Low Apprais^u and Undervaluing of the Estates of the Deceased, Therefore—

Be itt Enacted by the Authority a^d by and with the Advice and Consent a^d that when any Ex^r or adm^r doth appraise the

Estate of the Decēd he shall give notice of such his appraisim' C. P. and Call together two of the next of kin of the said Decēd and two of the Creditors of the said Deced if any there be who shall be present att the said appraisim' with the sworne appraisers and shall Certifie to the Com^{rs} or his Deputy Under their hands that they were present att the appraisim' and doe Approve thereof And if any Ex^r or Adminis^r returne p. 251 an Inventory without such Certificate as af^d or without making itt appear that such Kindred or Credit^{rs} having due notice of the time and place of such appraisim' refused or Neglected to be present the said Judge or his deputy in Each respective County in this province shall not Accept or receive the same into his or their Office or Offices.

And be itt further Enacted by the Authority af^d by and with the Advice and Cons^t af^d that from and after the publication hereof no person or persons being Exⁿ or Admⁿ of any person decēd within this province shall be Lyable to pay or Satisfie debts Contracted out of this province of what nature or Quality soever (Debts due to his Sacred Majesty his heirs and Successors only Excepted) before debts due within this province from the Estate or Estates of any person or persons decēd shall be paid and Satisfyed if such Ex^r or Adm^r shall have Assetts in his her or their hands Sufficient to pay and Satisfie the same such Exⁿ and Admⁿ having respect to the Quality of the debts due within this province as af^d unless the Credit^r or Cred^{ts} of the Decēd being persons residing out of this province as af^d on any Action or Actions by him her or them brought ag^t such Exⁿ or Admⁿ as af^d upon any debt or Contract of a higher nature then those Contracted within this province as af^d be it by Statute Merchant or of the Staple p. 252 Judgm^t bond or otherwise doe upon Tryall Sufficiently make itt appear that such Ex^r or Adm^r had due knowledge and Cognizance thereof upon due prooffe thereof as af^d if such Exⁿ or Admⁿ shall have paid Debts of an Inferior Nature not recovered ag^t them by due Course of Law or Suffered Judgm^t to goe ag^t them for any such Debt as af^d without pleading such florreigne debt in stay of Judgm^t such Ex^r or Adm^r not having assetts in his her or their hands sufficient to pay the Debt as af^d and Satisfie the same the Court before whome such action shall be brought shall give Judgm^t and Award Execution ag^t such Exⁿ or Admⁿ de bonis propriis to such Credit^r or Credit^{ts} as af^d as the Law in that Case directs any thing in this present Act to the Contrary thereof in any wise notwithstanding.

C. P.

This Law Repealed

An Act ascertaining the Gage and tare of Tob^o hogsheads and to prevent Cropping and defacing Tob^o taken on board Shipp^s or Vessells upon freight and for Laying Impositions on Tob^o per the hogshead for the Support of Government and for the Encourageing Settlements in this province by Ascertaining the Manner of paying the Alienation fines and Quit rents to the Lord prop^r of this province on the Conditions therein mentioned.

p. 253

Forasmuch as the Laws heretofore made for Ascertaining the gage of Tob^o hh^d have in great Measure proved Ineffectuall Either for want of Laying Sufficient penalties upon the Offenders or of proper Methods to Inflict them but more Especially itt seemes to this present Gen^l Assembly by requiring a Compliance with such a gauge as has been found by Experience to tend to the ruin of such Traders as were Strict observers of it the Generality of our Tob^o being of soe Light and Chaffie a Nature that it has been found wholly Impracticable and in a Manner Impossible to pack or prize soe much of itt in a hogshead of the Late gauge of thirty Inches in the Diameter of the head as would suffice for the paym^t of freight and other Charges ariseing thereon the freighters of such small hogsheads having been frequently brought in debt by the smallness of the Quantity of Tob^o contained therein to the great Damage of the Tob^o Trade particularly of the fair Traders therein which seemes in a Manner to have brought the Latest of the Aforementioned Laws allmost into a Gen^l Contempt itt being rather more Mischievous to the freighters to be brought in Debt by their Strict observance of that gauge then to Lose their Tob^o here for Exceeding itt for remedy whereof for the future—

p. 254

Be itt Enacted by the Kings most Excellent Majesty by and with the Advice and Cons^t of his Majesties Govern^r Councill and Assembly of this province And the Authority of the same that from and after the Twenty ninth day of Sept^r next itt shall and may be Lawfull for any person or persons whatsoever Suspecting Discovering or knowing of any hogshead or hogsheads of Tob^o that shall Exceed forty Eight Inches in the Length of the Stave or thirty two Inches in the Diameter of the head within the Croze or that shall Exceed thirty seven Inches Diameter in the bulge on any Accident or pretence whatsoever thirty six Inches Diameter in the bulge being Supposed a Competent gauge to Call to his Assistance any Justice of the peace Sherriffe Vestryman Church warden Living or residing within the County where such Tob^o shall be suspected known or discovered and to Enter into any house

warehouse Shipp boat or other Vessell and there in the pres- c. p.
 ence of such Justice or other Officer af^d who are hereby
 required to be present aiding and Assisting to such Informer
 therein to Seize and Mark with the broad Arrow Every such
 hogshead or hogsheads of Tob^o as such Informer shall request p. 255
 such Justice or other Officer to View on Suspicion of Exceed-
 ing the Gauge af^d and also that such Justice or other Officer
 shall on request of such Informer and is hereby required to
 proceed in such Manner as he shall think most proper to Ex-
 amine the gauge thereof soe as no hh^d or hh^{ds} of Tob^o Stowed
 away on board of any Ship or other Sea Vessell shall on such
 Informations be Unstowed unless such hogshead or hogsheads
 appear in View and if upon such Examination any hogshead
 or hogsheads shall be found by such Justice or other Officer
 af^d to Exceed the gauge af^d itt shall be Lawfull then and not
 otherwise for such Justice or other Officer Immediately to Con-
 demn the same to the Use of such Informer who shall there-
 upon be Immediately Vested with the property thereof and
 may Convert the same to his Own Use Accordingly and the
 Judgm^t of such Justice or other officer therein shall be finall
 but in Case such hogshead or hogsheads be not found to Ex-
 ceed the gauge af^d then such Mark of Seizure shall be Struck
 out by such Justice or other officer af^d and the Seizure be
 thereby releast but in Case any person or persons whatsoever
 shall have sight of any hogshead or hhds. that he or they shall
 Suspect to Exceed the gauge af^d itt shall and may in such
 Case be Lawfull for such person or persons Immediately to
 Seize and mark the same as af^d altho' no such Justice or other
 Officer as af^d be present of which Seizure such Informer shall p. 256
 forthwith give Information to some Justice or other Officer
 af^d Living or residing in the County where such hogshead or
 hogsheads shall be soe marked who shall be by this Act
 obliged to goe with such Informer to View and Examine the
 gauge of such hogshead or hogsheads as af^d and shall in all
 things proceed to the Viewing Examination or Condemnation
 of such hh^d or hh^{ds} after the Manner and to the uses af^d or to
 the releasing the Seizure thereof as is herein before directed
 and Every such Informer or Seizer shall pay to the Justice or
 other Officer af^d making such View or Condemnation af^d the
 sume of Ten Shillings Curr^t money for Every hh^d that such
 Justice or officer shall be requested soe to View or Examine
 by such Informer whether the hhd or hhds so Viewed be
 Condemned or not to be recovered According to Act of
 Assembly of this province for Speedy recovery of small Debts
 out of Court before a Single Justice.

And be itt further Enacted that in Case any of the Justices
 of the County Court any Sher. Coroner Vestryman or Church

C. P. warden who upon application made by an Informer shall without Lawfull Excuse or Impediment refuse or delay to performe w^t is by this Act required of them the Justice or Officer soe refusing shall forfeit and pay the sume of ten shil
p. 257 for Every hh^d soe by him refused to be Viewed to the Use of such Informer to be recovered as Last before mentioned.

And be itt further Enacted by the Authority a^d that no person or persons whatsoever after such hogshead or hogsheads of Tob^o Marked with the broad Arrow as a^d and before View thereof by any officer as a^d shall presume to remove alter or Change any hh^d so marked as a^d or the Tob^o therein soe as to avoid the Justice of this Act nor after View and Condemnation in manner a^d shall presume to alter Change or anywise Meddle wth such Condemned hh^d or hh^{ds} of Tob^o without Leave or Lycence from such Informer under penalty or forfeiture for Every hh^d of Tob^o soe removed altered or Changed as a^d the sume of twelve hundred pounds of Tob^o to the Use of such Informer to be recovered in any County Court within this province by Action of Debt bill plaint or Information wherein no Essoyne protection or wager of Law to be Allowed—Provided always that nothing in this Act Contained shall Extend or be Construed to Extend to the repealing abrogateing or disannulling the Act of Assembly made att a session of Assembly begun and held att Annapolis the twenty third day of October Anno Domini Seventeen hundred and Eleven Entituled An Act ascertaining the gauge
p. 258 of Tob^o hhds. And to prevent Cropping Cutting and Defacing Tob^o taken on board shippes and Vessells upon ffreight or any ways to take away and Lessen the Effect thereof but that the same in all respects shall be and Continue in force before the twenty ninth day of September next but that the said recited Act shall remaine till then in full force and no Longer.

And be itt further Enacted that if any person or persons shall after the end of this Session of Assembly pay or tender to pay any pack't hogshead of Tob^o whereof the full weight of the empty hogshead or the full weight within five pounds is not Cutt or Mark't on the bulge of such hh^d and be thereof Convict in Manner a^d he or they so Convict in Manner a^d shall forfeit for Every such hh^d or hh^{ds} not having the weight sett thereon as a^d the Sume of Six hundred pounds of Tob^o the one halfe thereof to our Sovereigne Lord the king his heirs and Successors Towards the defraying the Charge of the County where such Offence shall be Comitted the other halfe to the Informer or to him or them that shall sue for the same to be recovered in such County Court by Action of Debt bill plaint or Information wherein no Essoyne protection

or wager of Law to be Allowed And for the better Ascertain- C. P.
ing what shall be allowed for the Value of a Tob° hh^d—

Be itt Enacted that the receiver of any hh^{ds} of Tob° shall p. 259
allow and pay to the Owner or Owners thereof for such
hogshead received the sume of forty pounds of Tob° to be
Added to the neat weight of such Tob°.

And whereas the Inhabitants of this province that Ship their
Tob° on board Shipp and other Vessells upon freight are
much abused by Cropping Cutting Lessening and Diminish-
ing of the hogsheads wherein such Tob° is pak't by the masters
of Shipp or other Vessells or by other persons under their
Comand and Governm^t for remedy whereof for the future—

Be itt Enacted by the Authority Advice and Cons^t af^d that
if any master of a Shipp or other Vessell within this province
after the end of this present session of Assembly shall receive
any hh^d or hh^{ds} of Tob° on board his said Shipp or Vessell on
ffreight and shall Either by himselfe or any other Officer or
person on board his said Shipp or Vessell under his Comand
Cutt or Suffer any hhd or hhds. of Tob° to be Cut Crop't or
Lessened in their Length or breadth or by any other ways or
meanes abused defaced or Impaired that then and in Every
such Case such Master of a Shipp or Vessell for Every hh^d of
Tob° soe Cut or Suffered to be Cut Crop't Lessened in their
Length or breadth Abused Defaced or Impaired to be proved
by the oath of any sufficient person to whome the Tob° is p. 260
Consigned in great Brittain or other Sufficient wittness taken
before any Magistrate and a Certificate thereof made by any
notary publick or Magistrate and sent hither under his hand
and seale or any other Legall prooffe whatsoever made in this
province or Elsewhere shall fforfeit and pay the sume of Six
hundred pounds of Tob° or fifty shillings to the party grieved
to be recovered in any Court of Record in this province ag^t
such Master or his Security by Action of Debt or on the
Case within Seven years after the date of the bill or bills of
Lading of such Tob°

And be itt Enacted by the Authority af^d that the Security
or Securities of any Master of a Shipp or Vessell within this
province shall be Lyable to make Satisfaction according to
this Act for the Cropping Cutting abusing Defaceing and Im-
pairing of any hh^d or hh^{ds} of Tob° as af^d and prosecuted for
the same in any Court of Record within this province that
Can hold plea thereof and that every Navall officer within this
province shall on paine of fifty shillings Certifie under his hand
and Seale who are the Security or Securities of any such
Master which shall be a Sufficient Evidence in any Court of
Record where such Action is Commenced to prove who are p. 261

C. P. the security or securities of such Master for which Certificate the Navall Officer may have and receive one Shilling and no more and that the Sevⁿ and respective Navall Officers within this province shall hang a fair Copy of this Law in their respective Offices for the perusall of all mastⁿ of Shippes and Vessells the Navall Officer to have & receive for the said Copy one hundred pounds of Tob^o to be Allowed in the County Levy. And forasmuch as by the Enlargm^t of Tob^o hhd^s. from the late gauge of thirty Inches in the Diameter of the head to the present gauge a Larger Quantity of Tob^o will be Exported in each hogshead whereby the sevⁿ Duties and Imposts on Tob^o by the hh^d will be Evidently retrenched and Lessened unless a Just regard be had to the preservation of them in their Usual worth and Value which this Genⁿ Assembly is highly obliged To those Duties being Generally Applied to the Support of Governm^t and for other the most Important affairs of this province and that therefore itt is not only Just but necessary that the duties upon the hogsheads which shall be of this gauge herein Directed should be in some sort Enlarged proportionably to the Enlargem^t of the said Gauge It is therefore most Humbly prayed that the Kings most Excell^t Majestie will be graciously pleased to grant that itt may be Enacted—

p. 262 And be itt Enacted by his said Majesty by and with the Advice and Cons^t of his Majesties Govern^r Councill and Assembly of this province and the Authority of the same that from and after the twenty ninth day of September next there shall be raised Levied and paid to the Kings most Excell^t Majesty his heirs and Successors for the support of his Governm^t for the time being in & over this province of Maryland and the Territories to the same belonging for Every hhd of Tob^o which shall be shipt in any Shipp or Vessel to be Exported out of this province or any the Territories Islands Ports Rivers Creeks or places thereunto belonging on or after the twenty ninth day of Sep^r Af^d the sume of fifteen pence Sterling in Lieu and stead of the twelve pence Sterling formerly Imposed on Every hh^d of the aforementioned former gauge and for Every hundred weight of Tob^o Exported in box Chest Barrell or Case two pence halfe penny Sterl and soe prorato for a greater or Lesser Quantity.

And be itt further Enacted that the said Duty and Imposition shall be from time to time paid and Satisfyed by the Master or Masters of Every such Shipp or Vessel respectively in which any such Tob^o shall be Exported upon his or their Clearing or taking out his or their dispatch or Dispatches for
p. 263 Every such respective Shipp or Vessel and before the de-

parture of such Shipp or Vessell and the Master or Masters C. P.
of Every such Shipp or Vessell Coming into this province shall
att their first arrivall here and before their Loading on board
any goods or Commodities of the Growth production or Manu-
facture of this province give good and Sufficient Security to his
Excellency or to the Officer thereunto Especially appointed for
the paym^t of the said duty or Imposition accordingly

And whereas this present Gen^l Assembly on notice of the
Decease of the right Hon^{ble} Charles Lord Baltemore Late
prop^r of this province have upon their Humble Application
to the right Hon^{ble} Benedict Leonard Lord Baltemore pres-
ent Lord prop^r thereof that he would be favourably pleased
to accept of their rents and fines for Alienations in Tob^o at
two pence Sterl per pound in such Manner and on such Con-
ditions and Termes as his Noble Ancestors have heretofore
done for the greater Ease to Tenants in the paym^t of their rents
and the better to Encourage the Cultivations and Settle^m of
the remoter parts of this their proprietorship

And forasmuch as the gratuity formerly Settled on his said
Lordships Ancestors for such their favours was raised by an
Impost of twelve pence on the Exportation of Every hh^d or
four hundred pounds of Tob^o which Impost is Determined by
the death of the said Late Lord prop^r soe that att present
his Lordships rents are payable in Money but forasmuch as p. 264
to Continue the paym^t thereof in money would be wholly Im-
practicable from the great scarcity of itt amongst us and that
itt would not only Tend much to the disappointm^t of his Lord-
ship in receipt of his rents but alsoe to the Oppression of
such Tennants as should hold their Lands under Condition
of such punctuall paym^t as the Ten^r of their grants requires
and to the Disinheriting many who would be obliged to
Surrend^r their Estates for want of ability to Comply therewith
in all probability itt would put a great Check to the future
Cultivation of the remote and forrest Lands of this province
and be a Cause to Sevⁿ of those remoter Inhabit^{ts} to Desert
their (yett but poor) Improvem^t to Lessening the revenue of
the Crown and discouraging the Inlargem^t of his Majesties
Dominions in these parts All which Inconveniencies this
present Gen^l Assembly most Humbly Desires may be pro-
vided against and for as much as the Quantity of Tob^o now
Usually Exported or which may be Exported in a hogshead
of the gauge by this Act Settled Exceeds the Quantity w^{ch} was
Comonly reputed to be the Contents of a hogshead att the
time when the a^d twelve pence per hogshead was Settled on
his Lordships Ancestors for the making Easy of his rents and
fines for Alienations a^d and Alsoe for that altho' the number p. 265

C. P of hhds Annually Exported are Increased since that time yett for that the Value of his said Lordships rents are not much more Encreased itt is Humbly prayed that itt may be Enacted—

And be itt Enacted by the Kings most Excell^t Majesty by and with the Advice and Cons^t of his Majesties Govern^r Councill and Assembly of this province and the Authority of the same that from and after the twenty ninth day of Sep^r next there shall be raised Levyed and Collected for Every hh^d of Tob^o which shall be shipt in any ship or Vessell to be Exported out of this province or any the Territories Islands ports Rivers Creeks or places thereunto belonging the sume of Eighteen pence Sterl and for Every hundred weight of Tob^o Exported in Box Chest Barrell or Case three pence Sterl and so pro rato for a greater or Lesser Quantity to the Kings most Excell^t Majesty his heirs and successors for the Uses hereafter mentioned (over and above the af^d fifteen pence per hh^d herein before Imposed in Lieu and stead of the twelve pence Sterling formerly Imposed on Every hh^d and applyed to the use of the Late Lord proprietaries) and that the same duty of Eighteen pence per hh^d shall after the twenty ninth day of Sept^r af^d from time to time be paid and Satisfyed to the sevⁿ and respective Navall Officers of this
p. 266 province for the time being by the Master or Masters of Every such Shipp or Vessell respectively in which any such Tob^o shall be Exported on or about the twenty ninth day of Sept^r af^d Dureing the Continuance of this Act upon his or their Clearing or taking out his or their dispatch or dispatches for Every such respective Shipp or Vessell and before the Departure of such Shipp or Vessell and the Master or Masters of Every such Shipp or Vessell Coming into this province shall att their first arrivall here and before their Loading on board any goods or Commodities of the growth production or Manufacture of this province give good & Sufficient Security for the paym^t thereof as is herein before directed and the said Navall Officers on the receipt of the Eighteen pence per hh^d af^d shall be & are hereby obliged to render an Acc^t of and pay the same to the publick Treasurer of this province after the same Manner that they are required to Acc^t for and pay the dutys raised to defray the publick Charge of this province to be by such Treasurer Accounted for and paid to the right Hon^{ble} Benedict Leonard Lord Baltemore prop^r of this province in Case he shall be favourably pleased to Accept the same in Consideration of his receiving his Quit rents and Alienation fines dureing the Continuance of this Act in Tob^o att the rate of two pence Sterl per pound after
p. 267 such Acceptance by his said Lordship shall be duly Signified to this province And in Case his Lordship shall not think fitt

to Accept thereof in Manner af^d then the said duties to be C. P.
 Applied towards the defraying the publick Charge of this
 province Provided always that in Case his Lordshipp Accepts
 of the said duty of Eighteen pence p^r hh^d on the Considera-
 tions af^d that then and in such Case itt shall and may be
 Lawfull for his said Lordship to nominate and appoint such
 Officer or Officers for the Collecting thereof as to his Lord-
 ship shall seeme Meett. Provided always that from and after
 the end of this present sessions of Assembly in Case of shipp
 wreck or taking of any Shipp or shippes Vessell or Vessells
 soe that the Tob^o therein Laden be Lost before the Delivery
 of the ship or Vessell att the Intended port then the Master
 Merch^t or other Owner of such Tob^o soe Laden and Lost as
 af^d shall have Liberty to Ship att some other time soe many
 hhds. of Tob^o as they had formerly paid Impost for as af^d free
 and Clear of any the said Impositions. This Act to Continue
 in force untill the end of the next sessions of Assembly that
 shall happen after the tenth day of May next and no Longer.

An Act Declareing all Laws heretofore made which have been
 reenacted this session of Assembly to be repealed.

Whereas Sundry Laws of this province have been reenacted p. 268
 this present session many whereof are not particularly repealed
 by the Laws reenacting them—Therefore for the better Ascertain-
 ing w^t Laws are in force it is hereby Declared & Enacted—

And be itt Enacted by the Kings most Excell^t Majesty by
 and with the Advice and Consent of his Majestys Govern^r
 Councill and Assembly of this province and the Authority of
 the same that all such Laws or Acts of Assembly heretofore
 made which have been Considered and reenacted this pres^t
 Session be and are hereby declared to be repealed Abrogated
 Null and Void to all Intents and purposes whatsoever.

Provided always that nothing in this Act shall be Construed
 to Extend to the prejudice of any Action or suite already
 Comenced in any the Courts of this province but that the
 same shall and may be Adjudged and determined in such
 Manner as if this Act had not passed.

PROCEEDINGS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis, April 24, 1716.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN HART,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

Maryland ss.

Lib. R. U.
p. 135

Att a Sessions of Assembly begun and held att the City of Annapolis the Twenty third day of Aprill in the ffirst year of the Dominion of the Right Honable Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltemore &c in and over this his Lordships Province of Maryland Annoq Dei Seventeene hundred and Sixteene by virtue of his Lordship's writts of Election directed to the Severall and respective Sherriffs of this Province and to the Mayor Recorder and Aldermen of the City of Annapolis requireing the Sherriffs to Summons and call together the ffree holders of the Respective Countys to Choose four Deputyes or Delegates to Serve as Representatives for the said Severall Countys, and the s^d Mayo^r Recorder and Aldermen to Elect and Choose by the voice of the ffreeholders and ffreemen of the said City duly qualified two Cittizens to Serve as Representatives for the said City in this p'sent Generall Assembly which Writts bear Teste the Sixteenth day of ffebruary Last past returnable to the said Twenty third day of Aprill, from which said Twenty third day of Aprill aforesaid the aforesaid Assembly was Prorogued by vertue of his said Lordships writt of Prorogation bearing date the Twenty ffirst day of Aprill aforesaid to the Twenty fourth day of Aprill aforesaid to be held att the City of Annapolis aforesaid on which said Twenty fourth day of Aprill afores^d assembled in the Court house comonly called the Stadt house in the City of Annapolis aforesaid in the County of Ann Arundell the Severall members following of the Lower House, Viz.

ffor S^t Mary's County

Cap^t Thomas Trueman Green-
field
Cap^t Henry Peregrine Jowles
M^r John Baker
M^r Thomas Wayhop

for Calvert County

Coll John Mackall
M^r Nathan^u Dare
John Rousby Esq^r
M^r William Young

Kent County

Cap^t James Harris
L^t Coll Edward Scott
Coll Nathan^u Hynson
Cap^t S^t Leger Codd

Charles County

Coll Phillip Hoskins
Cap^t Thomas Dent
Cap^t John ffendall
M^r Sam^u Hanson

Lib. R. U.

Annarund^{ll} County

M^r Joseph Hill
 Cap^t Daniell Mariarte
 M^r Alexander Warfield
 M^r Richard Warfield

Baltemore County

Coll James Maxwell
 Cap^t Francis Dallahide
 M^r Peter Bond

Citty Annapolis

M^r Thomas Bordley
 M^r Benjamine Tasker

Talbot County

Coll Matthew Tilghman Ward
 M^r Thomas Robins
 M^r James Lloyd
 Maj^r John Ward

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Cecill County

M^r Mathias Vanderheyden
 L^t Coll Ephraim Aug^r Herrman
 Cap^t James ffrisby

Dorchester County

M^r John Brannock
 M^r Peter Taylor

Prince Georges County

M^r Robert Tyler
 M^r James Stoddert
 Maj^r John Bradford

Queen Ann's County

Maj^r John Hawkins
 M^r Charles Wright
 M^r Edward Wright
 M^r William Turbutt

Whereupon M^r Tyler Coll Mackall and M^r Joseph are Sent up to the upper house to acquaint his Excellency the Governo^r that a Sufficient Number of Members is Convened in the Stadt house

They returne and say they acquainted his Excellency thereof.

Thomas Brooke Esq^r Coll Thomas Addison and L^t Coll Richard Tilghman with William Bladen Esq^r Clerk of the upper house of Assembly Enter the house by a Dedimus to them Directed bearing Teste the day of Aprill Instant and the said Councillors and Clerk Administred the Oaths of Allegiance Supremacy and Abjuration to all the members and see them Severally Subscribe the said Oath of Abjuration and the Test and then withdrew

M^r Tyler Coll Ward Coll Mackall and M^r Joseph Hill are Sent to acquaint his Excell^{cy} that a Sufficient number of members is mett and qualified to make a house and is ready to wait his Excellency's Comāds.

Thomas Brooke Esq^r and Coll William Coursey from the upper house acquaint the Delegates that his Excellency Comāds them Imēdiately to attend him in the upper house.

The house accordingly went to attend his Excellency in the upper house, Where his Excellency was pleased to Comānd

them to returne to their own house Imediately to make Choice of a Speaker. Lib. R. U.

After which the said members returned and there unanimously made choice of Coll Mathew Tilghman Ward a member returned to serve as a Delegate for Talbott County for their Speaker who in his place disabled him selfe to undergoe soe weighty a Charge and Earnestly desired them to proceed to a new Choice which being denied and he placed in the Chair—

Then he prayed they might give him leave to disable himselfe to his Excellency.

After which Coll Phillip Hoskins and Cap^t Codd are sent to acquaint his Excell^{ty} that the Delegates have made Choice of their Speaker and to know when his Excellency will have him presented for approbation

They returne and Say they acquainted his Excellency thereof.

Whereupon L^t Coll Young and Coll Addison from the upper house acquaint the Delegates that his Excell^{ty} Commands them to p^rsent their Speaker before him in the upper house.

Whereupon the house repaired to his Excell^{ty} as aforesaid and p^resented Coll Mathew Tilghman Ward for their Speaker to his Excell^{ty} the Governo^r where the said M^r Speaker decently and Submissively addressing himselfe to his Excell^{ty} offered severall reasons disabling him from Serving in that Station, and therefore made humble Suit to his Excellency to be discharged, and that his Excell^{ty} will be pleased to Command the Delegates to make choice of an abler person which Excuses his Excell^{ty} would noe ways admitt of, being well Satisfied of the skill and knowledge of the said Coll Mathew Tilghman Ward in the Publick affairs of this Province and required him in his Lordship the Lord Proprietary's name to accept of the said place. p. 137

After which M^r Speaker in the name of the whole Lower house desired his Excellency on his Lordship the Lord Proprietary's behalfe that the Delegates of this Assembly may have the freedom of Speech as of right and by Custome they have used and all their ancient and Just priviledges and Liberties allowed them and that in any thing he shall deliver in the name of the Lower house if he shall Comitt any Error noe fault may be imputed to the Lower house but that he may resort to them againe for declaration of their true intent and that his Error may be pardoned.

And Lastly as often as necessity for the Right Hon^{ble} the Lord Proprietarys Service and the publick good shall require

Lib. R. U. it he may by the direction of the Lower house have free access to his Excellcy.

All which his Excellcy was pleased to grant and Confirme

And then his Excellcy was pleased to make a favourable Speech

After which M^r Speaker with the rest of the Delegates returned and the Speaker resumed the Chair

Thereupon the house made Choice of Thomas Macnemara for their Clerk and

Ordered That M^r James Stoddert and Cap^t James ffrisby goe and p^rsent him to his Excellcy the Governo^r for his approbation and to see him qualified by takeing the usuall Oaths.

They returne and say that his Excellcy approved of the Clerk Chosen and that he is duly qualified

Then M^r Speaker reported to the house his Excellcys Speech which was ordered to be Entred as follows Viz.

Gentlemen of the Upper
and
Lower house of Assembly

His most sacred Majesty King George (whome God long preserve) has been most graciously pleased out of his abundant wisdom and Justice to restore the Right Hon^{ble} the Lord Proprietary of this Province to the Government thereof and also has the Clemency and bounty to approve of me in this Station, I now have the Honour to be Employed, As appears by his Majesty's Royall Instructions under the Signe manuell and Privy Seal, Given att S^t James's the first of July 1715

His Majesty (who is the true Defender of the faith) was readily Induced to Reinstate the noble family of Baltemore in their Ancient Right of Governing this province from the Pious Consideration of their having Embraced the Protestant Religion which has not only removed that Umbrage which has been long wisely Conceived against their Administration of the Government here for reasons of State, but I have Strong hopes this better change of Principles will prove a Continued happiness to you.

It Is with great pleasure that I am Ordered to assure you from my Lord Guilford the Noble Guardian of the young Lord Proprietary that his Lordship will make it his Constant Care to promote the welfare of this Province—and I can
p. 138 further assure you from the personall knowledge I have of the Gentle and Sweet disposition of the Lord Proprietary that

there is a promising aspect his Lordship will prove a Growing Lib. R. U. blessing to Maryland.

As to my part when I was honoured with a more Immediate Comission under the Crowne I made it my Carefull study to preserve and Improve the true Interest of this Province both before and Since my arrivall here, and whilst I am soe happy to remain in this Station shall faithfully pursue to Continue that good End, and Solemnly promise you that I will act in my Sphere (as far as my power Extends) Impartially between the Lord Proprietary and this People, and as it is not Expected on his Lordship's part (which is far from my Inclination) that I should pay my Court to him att your Expence soe on the other Side, for gaining of Popular applause or any other motive whatever will I betray that great Trust of Government reposed in me—And Soe long as the Laws are my rule and Guide to Govern and my Conscience the Judge of Equity and the Publick both by their Duty and Interest will Support me in my Authority.

Gentlemen of the Lower House—You will readily observe the necessity of having your Laws run in the Stile of the Lord Proprietary as they formerly did when the Government was Administred by his noble Ancestors—the manner and Method of doeing this by the most easy and Effectuall means is recomended to your Consideration—always with regard to make the Charge as light as possible to the people for I am soe Sensible of the Burden of Long and frequent Assembly's that I am willing to Ease them on my part as to the Charge of the Seales on this occasion

The Experience I have gained Since I have resided amongst you has taught me how difficult nay almost Impossible it is for you to Comply with your Rents in money Sterling according to the Tenure of your Grants from the Lord Propriary—from the sense of these hardships you were likely to labour under I have in order to your Reliefe laid the Case before his Lordship's Guardian and himsele, and their Lordships out of their Tender Consideracōn of your Circumstances have Instructed me to pass an Act (which I may well terme in your favour) if for your whole Rents a Condescention I have never heard was made you before this time

The methods which their Lordships have prescribed me being too Copious to be mencōned here, I shall send downe to your house for your perusall.

I am not Ignorant It is the Interest of some particular wealthy Gents to pay their Rents in money. The Lord Proprietary would be well pleased the Interest was Generall in this Province as it is much the Greater number and Conse-

Lib. R. U. quently those that are not the best able to bear this burden that will by this means reap the benefit of My Lord Proprietary's favour and Generosity—I hope it will be Considered that a Particular ought always to give way to the Publick good It is therefore of these wealthy Gentlemen that I now address myselfe to. Pray Remember the Poor

Jn^o Hart.

L^t Coll Richard Tilghman and Coll Thomas Smith from the upper house deliver M^r Speaker the paper Referred to in his Excellcys Speech which is ordered to be Entred as follows viz.

A Coppy of the Clause mencōned in his Excellcys Speech and Inclosed from his Lordship to his Excellency

And forasmuch by the Enlargement of the Tobacco hhd from the Gage of thirty Inches in the Diameter of the head to this p^rsent Gage, a Larger quantity of Tobacco will be Exported in each hhd whereby the duty and Imposition on Tobacco by the hhd will be Evidently retrenched and lessened unless a Just regard be had to the preservation of them in their usuall worth and value which this present Generall
 p. 139 Assembly is highly obliged to the said Impost or duty being to be applyed and paid to the Lord Proprietary in Consideracōn of his great goodness and Condescencion in takeing his alienation ffines and Quitt Rents in Tobacco att two pence p pound as his noble Ancestors have heretofore done for the greater Ease of their Tennants in the payment of their Rents and the better to incourage Cultivation of Tobacco and Settlements of the remoter parts of this their Proprietorship and the better to Enable his Lordship to Support the Government of this his province—and forasmuch as the Imposition formerly settled of two Shillings p hhd is now determined on the death of Charles late Lord Proprietary soe that the Rents due to the p^rsent Lord Proprietary are payable in money and that it would not only tend much to the disappointment of his Lordship in the due receipt of his Rents But also the manifest disadvantage of such Tennants as should hold their Lands under Conditions of such punctual payments as the Tenure of their Grants require and to the disinheriting many who would be obliged to Surrender their Estates for want of ability to Comply therewith which in all probability would put a great Check to the future Cultivation of the remote and fforrest Lands of this province and be a Cause to Severall of those remoter Inhabitants to desert their (yet but poor) Improvements, all which

Inconveniencies this p'sent Generall Assembly most humbly Lib. R. U.
desire may be provided against

And foreasmuch as the quantity of Tobacco now usually Exported or which may be Exported in an hhd of the Gage by this Act Settled Exceeds the Quantity which was Comonly reputed to be the Contents of an hhd att the time when the aforesaid Imposition of two Shillings p hhd was Settled and also that altho the number of hhds annually Exported are Increased Since that time yet for that the value of his Lordship's Rents are much more Increased

Be It therefore Ordained and Enacted by the Right Honble Charles Lord Baron of Baltemore absolute Lord and Proprietary of this Province with the Advice and Consent of the Upper and Lower house of this Generall Assembly and by the Authority of the same That from the Twenty ninth day of September Last there shall be raised Levyed and Collected for Every hhd of Tobacco that shall be Shipped in any Ship or Vessell to be Exported out of this Province or any the Territories Islands Ports Rivers Creeks or Places thereunto belonging the Sume of two Shillings and nine pence Sterl and for every hundred weight five pence halfe penny and soe pro rato for a greater or lesser quantity in recompence and full Satisfaction to his Lordship my Lord Propriary for accepting his alienation ffines and quitt rents (reserved in money) in Tobacco att two pence p pound and the better to Enable him to Support the Government of this Province

And Be It further ordained and Enacted by the Authority aforesaid the said duty and imposition shall be from time to time paid and Satisfied by the Master or Masters of every such Ship or vessell respectively in which any such Tobacco shall be Exported upon his or their clearing or takeing his or their dispatch or dispatches for every such respective Ship or Vessell and before the Departure of such Ship or Vessell and the Master or Masters of every such Ship or Vessell Comeing into this Province shall att their first arrivall here before their Lading on board any goods or Comodities of the growth production or Manufacture of this Province give good and Sufficient Security to the Lord Proprietary his Governo^r for the time being or to such other officer or officers as he the said Lord Proprietary shall thereunto appoint for the payment of the Duty or Imposition accordingly

p. 140

And Be It further Ordained and Enacted by the Authority aforesaid that it shall and may be Lawfull for my Lord Proprietary to nominate and appoint such officer or officers for the Collection thereof as to his Lordship shall Seeme meet

This Act to Continue till the day of which shall be in the year Seventeene hundred and Twenty.

Lib. R. U.

A Coppy of a Clause in his Excellcys Instructions.

If the further Additional six pence shall be thought fitt by the Assembly to be advanced to his Lordship he is willing to accept it in Recompence and full Satisfaccōn for all his alienation fines and Quitt Rents

W Bladen Clk of the Upper house.

On a motion made that whereas it is Reported that the Right Honourable the Lord Proprietary of this Province is Dead and that there is some progress made in the Parliament of great Brittain for Enabling his Majesty King George to resume into his hands all the Proprietary Government in America it may be proper to Address his Excellcy to prorogue this p'sent Generall Assembly It was resolved that the following Address should be prepared which being read was ordered to be Entred viz.

May it please you' Excellcy—

As the Informacōn this house has rece'd from Sundry prints and otherwise that the Right Honourable the Lord Proprietary of this province Departed this life Some time last february has given us Cause of Great grieve soe it very much deterrs us from further proceeding on any business least wee may spend our time and the Countrys money to little purpose which must be if that account should prove true as wee much fear it will, and for that wee are informed that some progress is made in the Parliament of great Brittain for Enabling the Crowne to resume All the Proprietary Governments—

Wee therefore humbly pray you' Excellcy to Prorogue this Assembly to Some Convenient time in which the truth of the Informacōns may be knowne

Signed p Ord' Tho: MacNemara Cl L h.

Sent up to his Excellcy by Coll Hoskins M' Stoddert and L' Coll Scott.

They returne and say they delivered the same

Resolved, That this House will meet to doe business att Seven of the Clock in the Morning and sitt till Eleaven and meet att one o Clock in the afternoone and Sit till five Every day during this Session

M^r Thomas Robins a member returned to serve as Delegate for Talbott County appeared in the house

Coll Mackall is Sent up to the upper house with M^r Robins to see him qualified.

He Returns and says he saw him qualified by takeing the Lib. R. U.
Severall Oaths of Allegiance Supremacy and alienation and
Signing the Abjuracōn Oath and the Test.

Philemon Lloyd Esq^r and Coll Tilghman from the Upper
house Deliver M^r Speaker the following—

By his Excellcy the Govern^r and upper house of Assembly P. 141
Apⁿ 24th 1716.

Gent^{rs}

Upon reading your written Message by Coll Hoskins and
others His Excellcy the Governo^r is pleased to say that he has
not reced Judiciall notice of the death of the Right Hon^{ble} the
Lord Propriāry nor any from his Guardian of what Steps the
present Sessions of Parliament in Great Brittain have made
towards his most Sacred Majestyes reassuming the Proprietary
Government in America.

But since it is the request of your house that the Assembly
should be prorogued to some further time therefore to p^rvent
any Inconveniency that may arise from the uncertainty you
seeme to be in upon the above Reports, and so frustrate the
good Intention of the meeting of this Assembly and put the
Country to an unnecessary charge, His Excellcy with the
Advice of his Council will prorogue this Assembly to a
further and proper time.

Signed p Ord^r W Bladen Cl Upp ho.

Coll Coursey and Coll Addison from the Upper house
acquaint M^r Speaker that his Excellcy Comands him and the
house Imediately to attend him in the upper house.

M^r Speaker and the house repaired to the Upper house
where his Excellcy was pleased to acquaint them that on
behalf of the Lord Propy he with the Advice of the Hon^{ble}
Council thought fitt to prorogue and did prorogue this Assem-
bly to Tuesday the Seventeenth day of July next to which
time they were accordingly prorogued

Then M^r Speaker with the house returned and M^r Speaker
resuming the Chair Reported the said Prorogation. To which
time M^r Speaker adjourned the House.

Test

Tho Macnemara Clk of the Lower house.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis, July 17 to Aug. 10, 1716.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN HART,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss.

U. H. J.
p. 147

At A Council in Assembly held at the City of Annapolis the Seventeenth day of July in the second year of the Reign of Our Sovereign Lord George by the Grace of God of Great Britain France & Ireland King Defender of the Faith &c And in the first year of the Dominion of the Right Honble Charles Lord Baron of Baltimore Absolute Lord & Proprietary of the Provinces of Maryland and Avalon &c

Annoq Domini 1716

This Being the Time to which the General Assembly stands prorogued from the twenty fourth day of April last
Appeared in the Council Chamber

His Excellency John Hart Esq^r Cap Gen^l & Govern^r
in Chief &c

The Hon^{ms} { Col W^m Holland Col Tho^s Addison
 L^t Col Sam^l Young John Hall Esq^r
 Col W^m Whittington L^t Col Rich^d Tilghman
 and Col Tho^s Smith

Members of his Lordships Honble Council of State

The Honble John Hall Esq^r & Col W^m Whittington now appearing at the Board took the Oaths appointed by Law to his Majesty Subscribed the Oath of Abjuration and Declaration commonly called the Test & took the Oath appointed for his Lordship's Councillours of State p. 148

M^r Tyler Col Mackall & M^r Rousby came from the House of Delegates & acquainted his Excellency that there were a Sufficient Number of their members met to make up an House And that M^r Speaker and the House desired to receive his Excellency's further Commands

The said Delegates took Leave & Departed to their House

His Excellency directed the honble Col Holland & Col Young to go and acquaint M^r Speaker and the Delegates that his Excell^{cy} commanded them to attend him in the Council Chamber.

Col Holland & Col Young return & Say They have delivered their Message

U. H. J. Accordingly M^r Speaker & the Members of the House of Delegates came up to the Council Chamber Where his Excellency the Governour was pleased to bespeak them after this Manner

M^r Speaker

I must desire you to take into your Consideration what I delivered to you on your last meeting from which Time you were prorogued at your own Request, for two Reasons, The one that It was then Reported the Crown Was taking into its Hands all the Proprietary Governments which is now laid aside And the other that the Lord Proprietary was dead Which has proved Groundless, He being still Living. And
 p. 149 now having no Instructions to the Contrary, I know no Reason why you should not proceed upon what was delivered to you jast meeting

Col Mackall Col Scott & Cap^t Mariartee presented from their House Cap^t Richard Colegate a Delegate chosen for Baltimore County M^r Tobias Pollard, M^r John Meekins Delegates for Dorchester County, M^r Tho^s Dashield, M^r Sam^l Hopkins M^r John Purnell & M^r W^m Whittington Jun^r Delegates Chosen for Somersett County to take the Oaths to his Majesty and for Security of the Government

Which were administred to them in their presence And the s^d now presented Delegates took the Same & Subscribed the Oath of Abjuration & Declaration commonly called the Test

Col Mackall Cap^t Mariartee & Col Scott presented M^r Josiah Wilson a Delegate chosen for Prince Georges County Who took the Oaths in their presence

The Honble Philemon Lloyd Esq^r came and was added to the Board

His Excellency acquaints the Members of the Board that on the tenth of June last while he was up the Bay discharging his Duty & office of Governm^t of Cecil County, In the night of the same day being the Anniversary day of the Pretenders Birth Two of the great Guns were fired on the Court House Hill in this City. Upon Which occasion His Excell^{cy} thought fit to direct W^m Fitz Redmond & Edw^d Coyle of the Same City to be committed upon Suspicion But not being able immediately to prove the fact upon them Issued the following Proclamation Viz.

Maryland ss.

U. H. J.
p. 150

By his Excell^{cy} John Hart Esq^r Cap^t Gen^l & Governour in
Chief of the s^d Province

A Proclamation

Whereas on Sunday night last the tenth of June Instant (Being Supposed to be the Anniversary Day of the Birth of the Person Who is commonly called the Pretender) four of the Great Guns on the Court House Hill in the City of Annapolis where loaden And two of them fired off by some wicked disloyal & Traiterous Persons as yet undiscovered And as It is Supposed in Honour of the said Pretender and Contempt & opposition of our most Gracious Sovereign Lord George by the Grace of God King of Great Brittain France & Ireland Defender of the Faith &c^a his just Right & happy Government as by Law Established, And to the extreme Surprize Dread & Disquiett of all his said Majesty's good & faithful Subjects of this Province, I have thought fitt to issue this my Proclamation declaring, that in Case any person do discover to me or any of his Lordship's Council of State or other Magistrate within this Province All or any of the persons Who Loaded & fired the s^d Gunns or otherwise Caused or procured them so to be loaden or fired in the night aforesaid So that the Person or persons so by them discovered to have been Concerned in that Traiterous Wicked Audacious & Insolent Action may be apprehended and brought to Justice therefore I will immediately give unto such Discoverer or Discoverers the Sum of twenty pounds Sterl. And in Case any one Person concerned and having Acted therein will forthwith make a full & free discovery of his Accomplices such Person shall not only receive a pardon for such his Offence but shall likewise be Entituled to have & receive from me the a^d Reward of twenty Pounds Sterl. p. 151

Given at the City of Annapolis under the Great Seal of this said Province this fifteenth day of June in the second year of his Majesty's Reign &c. And in the first year of the Dominion of the Right Honble Charles Lord Baron of Baltimore Absolute Lord & Proprietary of the Provinces of Maryland & Avalon &c. Anno Domini 1716

Whereupon one Jacob Fox a Servant to M^r Joseph Hill made the Discovery and confessed himself to be one that fired one of the a^d Guns

And upon Tryal the Person that fired the other was solemnly Convicted thereof & Whipped & Pilloried therefore.

And two others were also tryed found guilty & fined for

U. H. J. drinking the Pretender's Health & Speaking contemptibly of the King & Committed till they had paid their Fines Amounting to one hundred pounds Sterl

Whereupon M^r Charles Carroll had acquainted him that He had a Commission from the Lord Proprietary and his Guardian under the Lord Proprietary's Great Seal And that He would discharge those Fines which the Sherriff of Ann Arundel County was directed to receive

p. 152 That upon M^r Charles Carrolls Entering upon the Execution of that Commission His Excellency had required him to record it in the Secretary's Office And seeing that It was a publick Trust or Employment had tendered him the Oaths appointed instead of the Oaths of Allegiance & Supremacy And also the Oath of Abjuration according to the Directions of the Act of Assembly of this Province Which the s^d M^r Carroll refused to take

Notwithstanding which he proceeded to receive the af^d Fines

His Excellency produced the following Minute of tendring the said Oaths to M^r Carrol which was ordered to be Entered in this days proceedings And is as follows Viz.

Annapolis July the 10th 1716

Memorandum,

That Charles Carrol Esq^r appeared before his Excellency the Governour this Day and produced a Commission from the Right Honble the Lord Proprietary & his Guardian for Several Purposes Which His Excellency the Governour apprehending to relate to the Government of this Province and especially as to his being Naval Officer, & Receiving the Fines & Forfeitures falling in the Several Courts of this Province, His Excellency was pleased to tell M^r Carrol that if he Executed that Commission as to the af^d Particulars relating to the publick He ought to take the Oaths of Allegiance to his Majesty and the Oath appointed by the fifth of Queen Ann relating to the Succession, And accordingly tendered the said Oaths to the s^d M^r Carrol Which he refused to take but said He was willing to take the first part of the Oath appointed instead of the Oaths of Allegiance & Supremacy

p. 153

His Excellency was pleased to acquaint M^r Carroll that as to all other Matters in the Commission relating to his Lordships Lands or other private Affairs He may proceed to the Execution thereof And shall have all Assistance therein requisite

John Hart

Witness W Bladen
Benj. Tasker

But it being now late His Excellency ordered that a Copy ^{U. H. J.} of M^r Carrol's Commission should be procured & Laid before the Board by nine of the Clock to Morrow Morning.

To which Time Council Adjourned

Wednesday July the 10th 1716

The Honble his Lordship's Council Sate Present as Yesterday

And there being divine Service & a Sermon intended to be preached this morning upon the opening of the present Session His Excellency & the Board adjourned for two Hours to attend thereon

After which they met again in the Council Chamber And Adjourned till four of the Clock in the Afternoon

Post Meridiem

P. 154

The Honble Council in Assembly Sate Present as in the Morning

The Right Honble the Lord Proprietary's Commission by himself & the Right Honble the Lord Guilford his Guardian to M^r Charles Carrol was produced & Read at the Board as followeth Viz.

Charles Absolute Lord and Proprietary of the Provinces of Maryland & Avalon Lord Baron of Baltimore in the Kingdom of Ireland a Minor & Francis Lord Guilford Guardian to the s^d Lord Baltimore for & on his Behalf

To All Persons to whom these Presents shall come Greeting in our Lord God Everlasting

Know ye that we reposing Special Trust & Confidence in the Capacity, Knowledge Care Diligence & Circumspection of Charles Carrol of our said Province of Maryland Esq^r have made Constituted Ordained & Appointed, And by these Presents We do make Constitute, ordain & appoint him the said Charles Carrol to be our chief Agent Escheator, Naval Officer, & Receiver General of all our Rents Arrears of Rents Fines Forfeitures Tobaccos or Moneys for Land, Warrants, of all Ferrys Weafs Strays & Deodands of all Duties arising from or growing due upon Exportation of Tob^o a^d tunnage of Ships & all other moneys Tobaccos or other Effects in any Manner or Ways now due or hereafter to grow due whither by protested Bills of Exchange or otherwise to us within the said Province Hereby Granting unto the said Charles Carrol full power & Authority to Sell & dispose of all Lands Tenements and Hereditaments to us now Escheated or hereafter

p. 155

U. H. J. to be escheated or forfeited to such person or Persons as shall agree & pay for them such reasonable Rates in mony as shall be agreed for Also to inspect into Order Manage & Account for all & every other Branch or Branches of our Revenue within our said Province, Whether the Same be or grow due by particular Contract Conditions of Plantations Act or Acts of Assembly, or by Virtue of our Royaltys, Rights, Priviledges & Prerogatives within the said Province. And for the better & more Effectual Execution of the s^d Powers & Authoritys hereby Granted We do further authorise him to impower Constitute & appoint under him such & so many Officers & Deputys as shall be requisite And has been usual heretofore in like Cases, Hereby ordering & Requiring him the s^d Charles Carrol to remitt unto us for our proper use by the first & Safest opportunitys & Conveniency all Such Moneys Effects & Bills of Exchange as shall arise grow due & be received by him and his Deputys or under Officers on all or any of the Branches of our Revenue, And upon Receipt of any money Bills of Exchange or other Effects Sufficient Discharges & Acquittances to give & Sign to the Person or Persons concerned or owning such moneys Effects & Bills of Exchange and generally to act do perform & fulfill & accomplish all & Every other Act & Acts Thing & Things requisite & neccessary for the due Execution performance & justly
 p. 156 discharging the Several respective offices Powers & Authoritys hereby given & Granted him or intended to be given or granted him. And We do hereby ratify confirm & hold for good Effectual & Valid whatsoever the said Charles Carrol shall lawfully do or cause to be done in the Premisses notwithstanding any Insufficiency or Defect in the Words Expressions Clauses or Sentences of this our Commission And altho every particular Matter Strictly requisite be not therein particularly mentioned & Expressed

And We do further hereby for a Compensation Sallary & Encouragement to the said Charles Carrol for the punctual Sincere & faithful performance of the powers & Authoritys hereby Granted to him & in Consideration of the Pains Labour & Trouble He shall take in the due Execution thereof Authorise direct & Impower him to take receive & detain to & for his own use out of all Such Moneys Tob^o & other Effects Which shall be received on any of the Accounts af^d (Except for the Dutys arising by the Exportation of Tob^o being two Shillings & nine pence p hh^d And the Duty arising p the Tonnage on Ships being 14^d p Tonn) the Sum of ten pounds in the Hundred & so pro Rato for a greater or Lesser Quantity (over & above the Sallary as af^d to be allowed his Officers) And for receiving & Remitting the s^d two Shillings

& nine pence p^h & fourteen pence p^h Tonn the sum of U. H. J.
 one hundred pounds Sterl yearly. And we do Hereby
 Revoke Annull & make void all former & other Commissions p. 157
 Powers & Authoritys touching the Premisses by us or Our
 Authoritys to any other Person or Persons heretofore Granted;
 Ratifying and Confirming all whatsoever has been lawfully
 done by the said Charles Carrol by Virtue of my late Lord
 Benedicts Letter to him as far as in us lyes as also what after
 his Death he hath lawfully done by Virtue of our Letter to
 him. And this our Commission and the Powers thereby
 Granted to continue in force during our Pleasure & no longer
 In Witness whereof we have hereunto Sett our Hands &
 Greater Seal of our said Province Dated at London this 24th
 day of March in the Year of our Lord 1715

Baltimore { greater }
 Guilford { Seal }

Upon reading whereof his Excellency is pleased to say
 That, that Commission being Granted to any other Person
 but himself, especially to a Papist is such a lessening of his
 Power & Dishonour to his Character that He has desired to
 be recalled unless He can be Restored to the full Authority
 he held under the Crown

And that by the said Commission should It be executed by
 M^r Carrol or his Deputys, The several Acts of Parliament
 following Viz The Act made in the 15th year of the Reign
 of King Charles the Second Entituled an Act for the Encour-
 agement of Trade And the Act made in the Seventh & Eighth
 year of King William the third Entituled an Act for prevent-
 ing Frauds & regulating Abuses in the Plantation Trade are
 Contravened & broke in upon, And the Execution of Several
 Clauses therein to be performed by the Persons mentioned in p. 158
 the s^d Acts to be appointed by the Governour (who has taken
 the Oath for preservation of Trade appointed by the s^d Acts
 as well as the Act of the 12th of King Charles for Encourage-
 ment & Encreasing of Shipping) taken out of their Hands &
 put into M^r Carrols & his Deputys Who have taken no such
 oath nor are any Persons mentioned in the aforesaid Acts of
 Parliament

His Excellency offers to this Board that their Lordships He
 humbly Conceives could not grant such a Commission during
 the Time of his holding the Station He is now employed in

Further the s^d M^r Carrol has also obtained a Grant under
 his Lordships great Seal to be his Escheator General which
 is an Office of Record and relates to the Administration of
 Justice within this Province.

U. H. J. That M^r Carrol had likewise obtained a Grant from his Lordship the Lord Proprietary & his Guardian the Lord Guilford to be Receiver General of all his Lordships Revenues growing due in this Province upon Export of Tob^o or otherwise by Act or Acts of Assembly or by Virtue of his Lordships Royaltys Rights Privileges & Prerogatives within this Province And particularly the two Shillings & nine pence p^h and fourteen pence p^h tonn are therein Expressed. In which Duty of two Shill & nine pence the 3^d p^h appropriated for purchasing Arms for the Defence of this Province and the other
 p. 159 3^d for defraying the publick charge of this Province are included as well as the 12^d raised for Support of Government besides his Lordships Duty of 18^d in Consideration of his Rents being paid one half in Tob^o at the Rate of two pence p^h pound. So that M^r Carrol has deceived the Lord Proprietary in his tender age & also his Guardian in imposing upon them to grant him such a Commission contrary to the a^d Acts of Parliament and his Duty to his Lordship the Lord Proprietary and the said M^r Carrol having refused to take the Oaths appointed instead of the Oaths of Allegiance & Supremacy And the Oath appointed in the Act made in the fifth year of her late Majesty for Securing her Person & Government & the Succession of the Crown of Great Brittain in the Protestant Line, and also Enjoined by an Act of Assembly of this Province still in force & unrepealed to be taken & Subscribed by all Persons in this province who shall hold any office or Place of Trust within the same & without the doing whereof no Person can be capable of holding Executing or Enjoying any office or Trust in this Province

His Excellency asks the Advice of the Members of his Lordships Council First whither the s^d M^r Charles Carrol has not imposed upon the Lord Proprietary and his Guardian in obtaining such Commission, And secondly, whither the said M^r Carrol (having refused to take & sign the Abjuration Oath above mentioned according to the Tenour of the Act of Assembly of this Province) be capable of holding Executing or
 p. 160 Enjoying any office or Trust in this Province which do or may Concern the publick Affairs or Interest thereof

As to the first Question all the members of his Lordships Council now present (save M^r Philemon Lloyd) are of opinion that M^r Carroll has by applying for that Commission deceived & Imposed upon their Lordships, For that though their Lordships peradventure might be ignorant of the a^d Acts of Parliament and Act of Assembly of this Province yet M^r Carrol could not

And the said M^r Lloyd says that He cannot agree that

their Lordships have been imposed upon by M^r Carrol not U. H. J. knowing what Views their Lordships might have in granting the Commission

As to the second Question all the members of this Board are unanimously of opinion that the said M^r Carrol having refused to take & Subscribe the Oath of Abjuration Enjoined by the Laws of Great Brittain and this Province Viz. the Act made in the second year of her late Majesty's Reign Entituled an Act for repealing a Clause in an Act of Assembly Entituled an Act for Establishment of religious Worship in this Province and also for appointing the Oath of Abjuration to be taken in this Province, is absolutely incapable of holding or Executing the af^d Commission as to any the powers therein Which do or may Concern the publick Affairs or Interest of this Province

His Excellency was pleased to inform the Board that the p. 161 s^d M^r Carrol by Virtue of his s^d Commission had required of his Excellency an Account of the 3^d p^h appropriated for the purchasing Arms & Ammunition for the defence of this Province to which He had returned that He would as soon give him up his Hearts Blood

And further his Excellency says that He has always by his Letters advised their Lordships never to employ any Papists in the publick Affairs of this Province

His Excellency says He has often pressed for particular Instructions from their Lordships & especially by M^r Bordley which he supposes by the neglect of his Lordships Agent M^r Charles Lowe had not yet been sent him

M^r Otho Coursey was approved of & sworn Clerk Assistant to the Clerk of this Board and took an Oath not to reveal any the Debates or proceedings of this Board without the Consent thereof

And the Council in Assembly Adjourned until nine of the Clock to morrow morning

Thursday July the 19th 1716

The Honble his Lordship's Council in Assembly Sate

Present

His Excellency John Hart Esq^r Captain General & Governour in chief &c.

The Honble	{	Tho ^s Brooke Esq ^r	John Hall Esq ^r
		Col W ^m Holland	Col Tho ^s Addison
		Col W ^m Coursey	Philemon Lloyd Esq ^r
		L ^t Col Sam Young	L ^t Col Rich ^d Tilghman
			Col Tho ^s Smith

U. H. J. Mr Bordley and Eleven more of the Delegates brought up
p. 162 Viz.

By the Lower House of Assembly

To His Excell^{cy} John Hart Esq^r Governour of Maryland

May It please your Excellency

By what your Excellency was pleased to say at the opening of this Session We perceive those Reports are not further to be regarded which at our last meeting induced us to address your Excellency for a prorogation to prevent what we then feared would have proved a fruitless Charge & Trouble. And Since your Excellency has not received any Instructions to the Contrary of what you were then pleased to recommend, we shall proceed to the Consideration & dispatch thereof in the best manner we are able. We heartily congratulate his Lordship on his Restoration to his Government & acknowledge his Majesty's Bounty in approving your Excellency to be our Governour, a Choice (which were It in our own power) we ourselves should make

The great Goodness of his Majesty (so well known to all that know him) The assurance your Excellency has given us of his Lordship's the Lord Guilfords Resolutions to promote the Welfare of this Province, the Character of our Lord Proprietor, And the Experience of yourself give us Reason to hope we shall not now be a less happy people than we were when under the immediate Government of that Majesty who is indeed our Faith's Defender

p. 163 Tis with great Satisfaction we find our Religion so well Secured under a Protestant King Lord & Governour These happy Circumstances give us a Satisfactory Assurance that the aspiring Interest of those that term us Hereticks will not be able to prevail against us

Your Excellency's impartiality has been convincingly expressed by your unbyassed Administration and since Justice & the Laws are your Excellency's Rules we hope we shall never be so far mistaken in our Duty or Interest as to neglect any part of our Endeavours to support your Excellency & the Honour & Dignity of his Lordship's Government The just Consideration your Excellency has of the Burthen of long & frequent Assemblys gives us hopes the necessary Alterations in the Stile of our Laws will not be unacceptable

We gratefully acknowledge your Excellencys great Condescension in parting with so considerable a Benefitt as that of the Seals on this Occasion more for the sake of lessening the publick Charge And in pursuance of the same End we

shall not be wanting in our Endeavours to take such expeditious Methods in making such Alterations as may be grateful to his Lordship & your Excellency U. H. J.

The laying before his Lordship the State of our Rents and the recommending to our Consideration the Circumstances of the poor, again Evince how much our Welfare has been your Care.

We shall diligently apply ourselves to consider of the Act proposed and hope our Conclusions will be so agreeable to Reason & Justice that they will not fail of his Lordship's & your Excellency's Approbation p. 164

Signed p order Tho^s Macnemara Cl Ho Del.

Advised & Resolved that the Clerk of this Board write to M^r Charles Carrol & acquaint him that some Affairs relating to his Lordships Interest and Service being now under Consideration of the Board He is on that Occasion desired to attend his Excellency the Governour in Council at four of the Clock in the Afternoon

His Excellency recommends a Congratulatory address to his Lordship to be made by the Council & Delegates on his Restoration

Also Resolved that an humble & Loyal Address be made to his Majesty

The Board adjourned till four of the Clock in the Afternoon

Post Meridiem

The Council Sate Present as in the morning with the Addition of the honble Colonel William Whittington

Cap^t Mariartee M^r Brannock & M^r Dashield brought up the following Message Viz.

By the Lower House of Assembly

July the 19th 1716

May It please your Excellency and Honours

Being assured that your Excellency & Honours are desirous to dispatch the Business of this Sessions with all the Expedition possible And that we may in no wise be wanting in our Duty in so advantageous a purpose for the publick Good we propose to meet every day during the Continuance of this Session at Eight of the Clock & continue Sitting till Eleven in the forenoon & meet at One in the Afternoon & continue sitting till five, And pray your Excellency & Honours to signify how convenient the time we propose may be to your honble House p. 165

Signed p order Tho^s Macnemara Cl Ho Del.

U. H. J. An Answer whereto was sent by the honble Col Whittington

By his Excellency & the Upper House of Assembly
July the 19th 1716.

His Excellency & this Board gladly embrace any opportunity of dispatching the publick Business And do approve of the times you have appointed to meet & sit every day during this Session & assure you there shall be no delay from this House

Signed p order W Bladen Cl Up Ho.

His Excellency communicated to the Board some Queries he intended to put to M^r Carrol which being read were well approved of by this Board

And M^r Carrol appearing at the Board his Excell. told him that the Commission granted him by the Lord Proprietary & his Guardian is now under the Consideration of this Board

And thereupon his Excellency the Governour demanded of the said M^r Carrol

p. 166 First Whether He acquainted their Lordships the Right Honble the Lord Proprietary & his Guardian of the Acts of Parliament of England made in the 15th year of the Reign of King Charles the Second Entituled an Act for the Encouragement of Trade & An Act made in the 7th & 8th years of King William Entituled an Act for preventing frauds & regulating Abuses in the Plantation Trade, as well as the Act made in the 12th Year of King Charles the Second for Encouraging & Encreasing of Shipping before he obtained the said Commission

2^{dly} Whether He did not acquaint the Secretary to the Honble Commissioners of his Majesty's Customs when he came to present his Commission relating to the Naval Office & to have his Security for executing thereof approved That He would take the Oaths appointed by Law when he came upon the place where He was to execute the said Commission And whither He ever informed the Commissioners of his Majesty's Customs that He was a Roman Catholick or not

3^{dly} How came He to take upon him the Office of Escheator General in this Province, (which is an Office of Record) & the Office of Naval Officer as well as Receiver General of the publick Revenue of this Province when He knew his Intention of not taking the Oath of Abjuration enjoined to be taken & Subscribed by all Persons within this Province holding or Enjoying any Office or Place of Trust

within the same as by the Tenour of a certain Act of the U. H. J. Assembly of this province made in the second year of her late Majesty's Reign Entituled an Act for Establishing of Religious Worship in this Province and also for appointing the Oath of Abjuration to be taken in this Province which is now in full force & unrepealed And which s^d Oath has been since tendered to him which He has refused to take & Subscribe p. 167

The said M^r Carrol was also desired to inform his Excellency and this Board who are the present Surveyours General of this Province And who are to be the Deputy Surveyours

To all which Queries the s^d M^r Carrol was desired to return his Answer to this Board by ten of the Clock to morrow morning

M^r Robert Tyler & three more brought up the following Answer Viz.

By the Lower House of Assembly
July the 19th 1716

May It please your Excellency and Honours

That part of his Excellency's Speech relating to the Laws to run in the Stile used when the Lord Proprietarys noble Ancestors had the Government of this Province

The better to understand our Duty therein & that no mistakes may happen in the manner & method of complying with what his Excellency recommended to us in that particular We pray a Conference with some of the honble Members of the Upper House upon that Subject And that your Excellency & Honours will please to appoint the Time & place

Signed p order Tho^s Macnemara Cl Ho Del.

Upon Reading whereof Resolved that the Conference be granted And that the honble Tho^s Brook Esq^r Col W^m Holland, Col Addison, Philemon Lloyd Esq^r & L^t Col Rich^d Tilghman & Col Tho^s Smith be appointed to confer with the Conferees to be named by the Lower House at Six of the Clock this Evening at M^r Dodd's House on that Subject And that the Honble Col Addison & Philemon Lloyd Esq^r go & acquaint the Lower House thereof p. 168

Pursuant whereto the s^d Gentlemen went & acquainted the Lower House thereof

The Upper House Adjourned till nine of the Clock to Morrow morning

U. H. J.

Friday July the 20th 1716

The Honble his Lordship's Council in Assembly Sate Present as yesterday

John Dansey Esq^r Collector of the District of Patuxent made Oath to his List of Shipping Enttring & Clearing in the s^d District till the 24th of June last Also to his Account of the one penny p pound Ended on that Quarter Day. Also to a List of fines & Forfeitures arising in Potowmack District and Ending at Mid summer last

M^r Evan Jones his Deputy Collector made Oath to the like Lists & Accounts in the Port of Annapolis

His Excellency communicated to the Board & laid before them the following Paragraph of the Lord Guilford & Lord Baltimore's Letter of the 19th September 1715 Viz.

We are Satisfied with the Substance of the new Law relating to the Rents but the Stile of that and all Laws for the Future must run as they used to do in my Lord Proprietary's Name now the Crown has restored him to his Just Right the Government of this Province; so now the 15^d & the 18^d p hh^d must be made payable to the Lord Proprietary in Satisfaction for taking his Quitt Rents in Tob^o at 2^d p pound And for the better Support of the Governm^t of this Province Which Law may be made to commence from Michaelmas 1715 for five years by which time we shall be of Age And that there may be no mistake as to the drawing the Clause of the new intended Act we have sent you inclosed one that you are to follow And we think you had best put a Clause in the new intended Act to make the old Law of two Shillings p hh^d subsist to Michaelmas 1715 if not already provided for your Knowledge in this matter will best direct you

Col Scott & five others brought up from the Lower House the following Message Viz.

By the Lower House of Assembly

July the 20th 1716

May It please your Excellency and Honours

On inspection into the Journals of the House of Delegates during the time the honble Col Edward Lloyd was President & Commander in Chief of this Province & by the Testimony of Several Members of this House We find that the said Col Edw^d Lloyd on his Allegations that He had not then received nor had any Certainty of receiving any Benefitt by his being President was allowed the Sallary & Itinerant Charges of a Councillour amounting in the whole to £52 .. 13^s .. 6^d and 29580 £ tob^o notwithstanding which Allegations we find the

s^d Col Edward Lloyd then received part & since received ^{U. H. J.} the full one Half of the nine pence p^h And sundry other ^{p. 170} Perquisites Sufficient to answer his Charge of Attendance. And forasmuch as we also find that none of those that preceded the s^d Col Edward Lloyd in the said Station ever was allowed such a Sallary & Charges and that by her Majesty's Instructions He was constituted a Body distinct from the Rest of the Council therefore Resolved Nemine Contradicente that the said Allowances were made craved & received by him on his misinformation And that therefore the s^d Col Edward Lloyd ought to account for & pay the same to the publick with which we pray your Excellency's & Honours Concurrence

Signed p order Tho^a Macnemara Cl Ho Del

Which being debated & Considered Resolved that a Copy of the Lower House's Resolve be sent to Col Lloyd and that He have notice to attend here on Friday next or send his answer in writing thereto

And the honble John Hall Esq^r & Col Tho^a Smith sent to the Lower House with the following answer

By the Upper House of Assembly
July the 20th 1716

Gentlemen—

We have debated & Considered your Message by Cap Scott & five others of your members relating to the honble Col Edward Lloyd & have ordered a Copy of your Resolve to be sent him and at the same time directed him that He ^{p. 171} should either appear here in person or send his answer in writing by Friday next upon which we shall be better able to proceed & ground our Judgements

Signed p order W Bladen Cl Up Ho Ass.

The said Gentlemen return & say they have delivered their message

The Board adjourned for two Hours

Post Meridiem

The Council in Assembly Sate Present as in the morning Save the Gentlemen appointed upon the Conference last night which is still continued & now Sitting

His Excellency in Reply to the Lower House's Address was pleased to send the following Letter to M^r Speaker by Col Coursey L^t Col Young M^r Hall & Col Whittington Viz.

U. H. J. M^r Speaker

I desire you will please to acquaint the Gentlemen of the Lower House of Assembly that the Address presented to me yesterday was very acceptable in every Circumstance

Their loyal Expressions of his most Sacred Majesty are a continued Instance of their firmness & duty to his royal Person of their ardent Zeal for the Welfare of the Protestant Religion

I shall not be wanting to give the best impression I am capable of to the Lord Proprietary (& to the Lord Guilford on his behalf) of your hearty Congratulation of his Lordship on his Restoration to his Government in this Province

P. 172 And as I am convinced that a good understanding between the Lord Proprietary & the Inhabitants of Maryland is equally the Interest of his Lordship & this People I shall not omit my Duty to inform his Lordship of such men as either have or may lead his Lordship into improper measures so as to give any disgust to the well affected in the Government

As to what relates to my Particular it is so very obliging & kind that I chuse to make my Acknowledgements by the Sincerity of my Actions as the best Return I can offer for the good opinion they have of my Conduct

I am Sorry I have reason to Say notwithstanding I find my Administration is so acceptable to this Province that I have been under a necessity to desire my Lord Proprietary & my Lord Guilford that they will please to remove me from the Station I am in Some of my Reasons for such request will appear to you on the Perusal of the Copy of M^r Carroll's Commission herewith sent you

I would not be understood that I impute the Treatment I have mett with to the Lord Proprietary nor yet to my Lord Guilford but to the Advice of some persons who either are not capable or unwilling to give better Council

John Hart

Memorandum. The Gentlemen who carryed the foregoing Reply also carryed a Copy of M^r Carrols Commission

The Conferees from this Board came & took their places at the Board

P. 173 M^r Charles Carrol appearing at the Board the first Querie put to him yesterday & his Answer thereto being Read, The first & second Article of the King's royal Instructions following were read to him Viz.

First. You shall give directions & take especial Care that John Hart Esq^r Deputy Governour of our Province of Mary-

land do in the first place inform himself of the Principal U. H. J. Laws relating to the Plantation Trade Viz.

The Act for encouraging and encreasing of Shipping & Navigation made in the 12th year of the Reign of King Charles the Second

The Act for preventing Frauds & regulating Abuses in the Customs made in the 14th year of the said Kings Reign

The Act for the Encouragement of Trade made in the 15th year of the said King's Reign

The Act for regulating the Plantation trade made in the 22^d & 23^d years of the s^d Kings Reign And the Act for preventing Frauds & Regulating Abuses in the Plantation Trade The Act for Encouragem^t of the Eastland & Green Land Trades & better securing the Plantation Trade made in the 25th year of the said King's Reign And the Act for preventing Frauds & regulating Abuses in the Plantation Trade made in the 7th & 8th years of King William the Third All which Laws you will herewith receive And that He take a Solemn Oath to do his Utmost that all the Clauses matters & Things contained in the before recited Acts of Parliament heretofore passed & now in force relating to our Colony & Plantations be punctually and bona fide observed according to the true intent & meaning thereof p. 174

Second Article. And as by the last Recited Act the Officers appointed by the Governours for performance of certain things mentioned in the a^s^d Act for the Encouragement of Trade commonly known by the name of the Naval Officers are to give security to the Commissioners of our Customs in this Kingdom for the time being or such as shall be appointed by them for our use for the true & faithful performance of their Duty

He the said John Hart shall take Care that the Person by him so Employed do not only give such security to the said Commissioners of our Customs but be approved of by them in manner as is thereby Enjoined.

Memorandum. A Copy thereof was delivered to the said M^r Carrol

On Consideration of which said Articles The Council are of opinion the said M^r Carrol is not capable of Executing that part of his Commission relating to the Naval Office he having refused to take and Subscribe the s^d Oath of Abjuration

Memorandum. An Omission in the time of Enacting the Act of Assembly Entituled an Act for repealing a Clause in the third Querie put to M^r Carrol being Observed the same was Shewed him in the Book of Laws to be made in the first

U. H. J. year of King George which He was desired to take notice of.
The oath of Abjuration was again offered to M^r Carrol by his
p. 175 Excellency's order which he refused to take

Whereupon It was put to the Question whether M^r Charles Carrol is capable of executing that part of his Commission relating to the Naval Office he having again this day refused to take the Oath of Abjuration enjoined by an Act of Assembly of this Province made in the first year of his present Majesty's Reign Entituled an Act repealing a Clause in an Act of Assembly Entituled an Act for Establishment of religious Worship in this Province And also for appointing the Oath of Abjuration to be taken in this Province

His Excellency declares that upon M^r Walter Pye & M^r Henry Sewalls coming to him & acquainting him they were appointed Surveyors General He had told them He would advise with his Ldship's Council thereupon And that as to any thing that related to my Lord's private Estate He does not hinder those Gentlemen from acting by their Commissions

His Excellency was pleased to advise with M^r Carrol on the Affair of the Law proposed for the additional Six pence p^h in lieu of his Ldship's Rents & Alienation Fines

Mr. Carrol says a Proposal was made by M^r Henry Darnall to his Lordship to give him £300 p^a annum for his growing Rents which would he believes have been accepted Provided that his Lordships Officers Sallarys were payed also by the Farmers.

p. 176 The Board Adjourned till nine of the Clock to Morrow morning

Saturday July the 21st 1716

The honble his Lordship's Council Sate Present as Yesterday

The honble Tho^s Brook Esq^r delivered the Report from the Conference relating to the Stile of the Laws which was read as follows Viz.

Maryland ss.

At a Conference Held at the House of M^r John Dodd on Friday the 20th of July 1716

Present

The Honble	{	Tho ^s Brooke Esq ^r	}	Philemon Lloyd Esq ^r
		Col W ^m Holland		L ^t Col R ^d Tilghman
		Col Tho ^s Addison		Col Tho ^s Smith
Of the Upper House of Assembly				

M^r Tho^s Bordley
 Col John Mackall
 John Rousby Esq^r
 M^r James Lloyd
 L^t Col Edw^d Scott
 Major James Harris

Col Nathan^l Hynson
 M^r James Stoddert
 M^r Joseph Hill
 L^t Col John Ward
 Col James Maxwell
 M^r Charles Wright

U. H. J.

Who make Choice of the honble Tho^s Brock Esq^r of the Upper House to be their Chairman & John Beale their Clerk,

Then proceed to consider that part of his Excell^{ty}'s Speech relating to the Laws to run in the Stile used when the Lord Proprietarys noble Ancestors had the Government of this Province And what shall be convenient to be done therein being the Subject matter of this Conference

p. 177

On Consideration of the Subject Matter It is observed that the Stile of the Laws which were made before the Revolution when this Governm^t was wholly in his Lordship's Hands was Generally in these Words Be It Enacted by the Right Hon^{ble} the Lord Proprietary by & with the Advice & Consent of the Upper & Lower Houses of this present General Assembly & the Authority of the same

It is likewise observed that after the Crown took the Administration of this Government the Stile was generally in these words

Be It Enacted by the King's most Excellent Majesty by & with the Advice & Consent of this present General Assembly & the Authority of the same

But for that about the years 1710 & 1711 Sundry Laws of this Province were dissented to by her late Majesty for want of mentioning her Majesty's President as a distinct Body in these Laws since which the Stile of the Laws has run in his present Majesty's name thus Be It Enacted by the Kings most excellent Majesty by & with the Advice and Consent of his Majesty's Governour Council and Assembly of this Province & the Authority of the same,

Wherefore It is proposed whether since the Restitution of the Government to his Lordship It may not be proper to use the Stile which seems most agreeable to the Stile last directed by the Crown Viz. Be It Enacted by the Right Hon^{ble} the Lord Proprietary by & with the Advice & Consent of his Lordship's Governour & Council & Assembly and Authority of the same. But for that a Majority of the Conferees rather incline to make use of that Stile which his Lordship by his Letter of Instructions to his Excellency has been pleased expressly to direct

p. 178

U. H. J. It is proposed that the Stile be (at least till his Lordship's Pleasure shall be further known) by the Right Honble the Lord Proprietary by & with the Advice & Consent of the Upper & Lower Houses of this present General Assembly

But this with Submission to the better Judgm' of both Houses

Signed p order John Beale Cl Con.

Upon debate of the said Report his Excellency was pleased to declare that He had received directions from the Lord Proprietary & his Guardian that all the Laws which were Revised since his most gracious Majestys happy Accession to the Throne should be Re-Enacted in his Lordships name, And that He should consult what Stile was used when this Government was immediately in his Lordship's Ancestors. But as this matter is left to discretion and that for want of formal Instructions He is referred to her late Majesty's royal Instructions for better Information He is of opinion that the Stile ought to run in the method prescribed in those Royal Instructions varying only as It relates to the Lord Proprietary's Government Viz By the Right Honble the Lord Propy of this Province now a minor & the R^t Honble Francis
p. 179 Lord Guilford his Guardian for & on his Behalf & by & with the Advice & Consent of his Lordship's Governour the Upper & Lower Houses of Assembly and by the Authority of the same

He is further of Opinion that if the name of the Governour be omitted (who has an Affirmative as well as a negative Voice in the passing & refusing the Laws) they will want an Essential part And that such Laws will have no force or Virtue

Whereupon We cannot agree to the Report of the Conference but desire you would debate this matter in your House And if you have no reasonable objections to the Contrary concur with us that what Laws shall be now made run in the Stile in this message proposed

Signed p order W Bladen Cl Coun.

Which being drawn into a Message was sent to the Lower House by the honble Tho' Brooke Esq' Col Addison & Col Smith

M^r Tyler & five more Delegates brought up the following message Viz.

By the Lower House of Assembly
July the 21st 1716

U. H. J.

May It please your Excellency and Honours

We agree with the Report made by the Conferees & resolve that such of our Laws as shall be thought necessary to be Re-Enacted this Session for the Defects we discover in them & all the Laws hereafter to be made shall run in the Stile in the s^d Report agreed on

Signed p order Tho^s Macnemara Cl Ho Del.

Col Mackall & five more Delegates brought from the Lower House the following Message Viz. p. 180

By the Lower House of Assembly
July the 21st 1716

May It please your Excellency and Honours

The Estates of the Inhabitants of this Province Entirely depending upon the Records of Land, Commissary, Secretary, & County Court Offices And for that we find that many of the Record Books in the Land Commissary & Secretary's Offices are so very much worn that a Speedy Care must be taken to have them mended at the publick Charge And are likely to be a continual Charge to the publick by the negligence of the Clerks being Secure they are not to make them good

The better to prevent such a Charge & to secure the Estates of the Inhabitants for the future We think it necessary & just that as the Officers who hold all or any of the said Offices are Entituled to the fees so they ought to bear the Burthen & Charge of keeping such Record Books in due Repair And should before their Entrance into the Execution of Such Office hereafter be obliged to give good Security in this Province for the due Execution of their respective Offices And keeping the Records in the like order they receive them And that the Officers now in place be obliged by the day of next to give such Security or be disabled to hold their Several offices & that a Bill may be brought in accordingly with which your Excellency's & Honours Concurrence is prayed p. 181

Signed p order Tho^s Macnemara Cl Lo Ho

The Board adjourned for two Hours

Post Meridiem

The Council met as in the Forenoon save Col Holland & Col Whittington

U. H. J. The honble Tho^r Brooke Esq^r Col Addison & Col Smith say they have delivered their message

The following Message was Sent to the House by Col Coursey & Col Young Viz.

By his Excellency the Governour & the Upper House
of Assembly July the 21st 1716

In answer to the Message by Col Mackall and five more this morning relating to the publick Records of this Province We acquaint you that we have Considered thereof And do approve of your desire that a Bill be brought in this Session pursuant thereto

Signed p order W Bladen Cl Up ho.

The Petition of M^r George Valentine Read & Recommended by his Excellency to the Upper House of Assembly again Recommended by this House to the Lower House Viz.

By the Upper House of Assembly
July the 21st 1716.

The Petitioner M^r George Valentine being a very diligent & industrious Officer residing at the Seat of Government gives his continual Attendance for the dispatch of publick
p. 182 Packetts & also is very ready & Serviceable on many other occasions in the Execution of Justice & Service of this Province

Wherefore We desire you will make him such a suitable Allowance & Gratuity for his Services as may encourage his future Diligence

Signed p order W Bladen Cl Up Ho.

And sent to the Lower House by the honble Col. Addison Ordered that the Sherriff of Queen Ann's County be wrote to, to keep a Deputy on Kent Island to take Care of all publick Letters & see they be duly dispatched

The Petition of Jonathan Beck of Cecil County Read praying a Fine of one thousand pounds of tob^o imposed on him for not attending as a Jury man in April Provincial Court When at the same time he was so sick he was not able to attend. And the allegation in the said Petition being proved the Fine is ordered to be Remitted.

The Petition of M^r Philemon Hemsley an Inhabitant of this Province Read praying some Ease to the Duty on Rum shipped on Board his own Sloop at Barbadoes which Sloop afterward

proved incapable of Proceeding on her Voyage so that the s^d U. H. J. Rum was laden & imported in the Ship Neptune Randolph Eaton master, And the Petitioner obliged by the Naval Officer to pay the Duty of 3^d p Gallon therefor

Resolved the said Petition be recommended to the Consideration of the Lower House to concur with this House for his relief He having pursuant to the Encouragement given p. 183 by the Act of Assembly adventured his Vessel to import Rum & Sugar

Coll Scott & nine other Delegates brought up from the Lower House the following Message Viz.

By the Lower House of Assembly
July the 21st 1716.

May It please your Excellency and Honours,

In answer to your Message by the honble Tho^s Brooke Esq^r Col Tho^s Addison & Col Tho^s Smith We hope It will not be thought necessary to mention any thing in the Laws hereafter to be made of the R^t Honble the Lord Proprietary's minority or of his noble Guardian, for the Title of the Lord Proprietary in the Laws is made use of as He is a Body Politick & not in his natural Capacity And therefore Minority can't disable him to pass the Laws And hope your Excellency & Honours Concurrence will not be wanting in that particular

Tho' the Stile used when the Lord Proprietary's noble Ancestors had the Government of this Province was recommended to us as the fittest Stile to use in our Laws yet we are so well Satisfyed with the reasonableness of his Excellency's opinion in respect to the the naming the Governour That we agree the Stile to be used shall be as follows Viz.

By the Right Honble the Lord Proprietary by & with the Advice & Consent of his Lordships Governour & the Upper & Lower Houses of Assembly & by the Authority of the same of which we hope your Excellency & Honours will Signify your Approbation

And as to that part of your Message which intimates his Lordships Directions for Re-Enacting all the Laws Which were Revised since his most gracious Majesty's happy Accession to the Throne Which indeed are all the Laws of Maryland now in force considering all due Care & approbation of the Legislature of this Province has been so lately used in forming them so as to be useful & beneficial to the People And that we are not Sensible that any material Addition can be now made in them and that for Re-Enacting them for the sake of a Stile would look like Questioning the Authority by which p. 184

U. H. J. they were made (which we cannot admitt ought to be even doubted) And Whereas by Re-Enacting them a great Charge will fall on the publick And that the Continuing them in the Stile they are now in Can be no Derogation to his Lordship's Honour or Right of Government or prejudice to any Person we hope your Excellency & Honours will excuse us from Re-Enacting any other Laws than those that appear deficient.

Signed p order Tho' Macnemara Cl Ho D.

Which being debated as to the first part of the message relating to Omitting the name of the Lord Proprietarys Guardian It was put to the Question whither this House agree thereto,

And Resolved Nemine Contradicente that the House do Concur with the Sentiments of the Lower House thereupon And that the Stile of the Laws now to be Enacted be as now proposed by the Lower House. But the latter part of the
p. 185 Lower Houses Message being also of great moment is also referred to the further Consideration of this Board on Monday morning

And the Honble Philemon Lloyd Esq^r & L^t Col Tilghman were sent to acquaint the House thereof

The Upper House adjourned till nine of the Clock on Monday morning

Monday July the 23^d 1716

The Upper House met according to Adjournm^t on Saturday last And were Present

		His Excellency the Governour &c ^a	
The Honble	{	Tho' Brook Esq ^r	Col Whittington
		Col W ^m Coursey	Philemon Lloyd Esq ^r
		Sam ^l Young Esq ^r	L ^t Col R ^d Tilghman
		John Hall Esq ^r	and
		Coll Addison	Col Tho' Smith

The Latter part of the Lower House's Message concerning the Re-Enacting the Laws of this Province in his Lordship's Stile being under Consideration This House do Concur with the Delegates as to the 1st 2^d & 3^d Reasons against it. And as to the 4th Viz. That the Continuance of them in the Stile they now are in can be no Derogation to his Lordship's Honour or Right of Government or prejudicial to any Person This House do unanimously agree that It will be no derogation to his Lordship's Honour or Right of Government should the Laws continue in the Stile they now are Provided that an Act be made

in this Session to transfer all Fines & Forfeitures in the s^d U. H. J. Laws given to his Majesty his Heirs & Successours to the Right Honble the Lord Proprietary his Heirs & Successours p. 186 to the uses in the said Law mentioned

And thereupon the following Message was sent to the Lower House Viz.

By the Upper House of Assembly
July the 23^d 1716

Gentlemen

We have debated the Latter part of your Message Concerning the ReEnacting the Laws in his Lordships Stile And do agree to your first Reason that you are not Sensible of any material Addition to be made to them. And also to the Second That the ReEnacting those Laws for the sake of a Stile would look like Questioning the Authority by which they were made which cannot be doubted of Likewise we agree with your third Reason that the ReEnacting them would be a great Charge to the publick. And having also debated your fourth Reason we do not apprehend that the continuing the Laws in the Stile they now are can be any Derogation to his Lordship's Honour or Right of Government or prejudicial to any Person Provided that an Act be now made to transfer all the Fines & forfeitures by the present Acts of Assembly to his Majesty his Heirs & Successours to the R^t Honble the Lord Proprietary his Heirs and Successours for the Uses in the s^d Laws mentioned

Signed p order W Bladen Cl Up Ho.

Sent by the Honble Tho^s Brooke Esq^r & Col W^m Coursey
Cap^t Mariartee & two more brought up M^r George Valentines Petition p. 187

The House Adjourned for two Hours

Post Meridiem

The Upper House met Present as in the morning with the Addition of the honble Col Holland

Ordered that M^r Carrol be reminded to prepare the Scheme relating to his Lordships Rents which He undertook to do by four of the Clock this Afternoon

U. H. J. Ordered that the following Message be sent to the Lower House Viz.

By the Upper House of Assembly
July the 23^d 1716.

Gentlemen

His Excellency the Governour has been pleased to direct John Rousby Esq^r Who was his Majesty's Receiver of the District of Patuxent to lay before your House the State of the Revenue of 3^d p hh^d appropriated for purchasing Arms and Ammunition for the Defence of this Province

Signed p order W Bladen Cl Up ho.

Sent by the Honble Col Holland

It being Represented at the Board that It hath been practical in this Province for the Delegates when they are met to call to the Clerk of the Secretary's Office for the Journalls of the Council in Assembly which by Act of Assembly are ordained to be lodged in that Office And that often the said Journalls are mislaid

p. 188 Ordered that no Journal of the Council be delivered out of the Secretary's Office except by his Excellency the Governour's order & for the perusal of this Board & upon the Clerk of the Councils Receipt therefor

The Petition of Grace Brooke Executrix of Robert Brooke late of Calvert County on behalf of William Gray was Read & recommended to the Lower House to enquire into the Allegations & upon due proof thereof to Admitt a Bill for the relief of the s^d Gray and sent to the Lower House with the petition of M^r Philemon Hemsley by the honble Col Addison

The following Scheme prepared by Charles Carrol Esq^r his Lordship's Agent being produced at the Board—Viz.

To what his Lordship can farm his Rents for	300 [£] .. 00 ^ˆ .. 0 ^d
To what the Farmers pay to several Officers	} 279 [£] .. 3 ^ˆ .. 4 ^d
67000 pds. tob ^o at 1 ^d p p ^d which his Ldship	
must pay in Case the Law goes forward	
	579 [£] .. 3 ^ˆ .. 4 ^d
To put his Ldship on as good a foot as he	} 579 [£] .. 3 ^ˆ .. 6 ^d
may be by the farm proposed, there must	
be yearly exported 2316 hh ^{ds} tob ^o which	
at 6 ^d p hh ^d will make	

If the Country shall think fit to pay the above Quantity of U. H. J. Tob^o at the Several places of Abode of the Persons to receive the same I think it the same thing for his Lordship And doubt not but his Lordship will be very well Satisfied with the yearly sum of three hundred pounds for himself

Charles Carrol

The Petition of John Ray of Prince George's County Read praying that his Fine of £500 tob^o imposed on him for not attending being summoned as a Juryman to Prince Georges County Court He falling sick at the time when He should have attended The Allegation being certified by the honble Col Addison His said Fine is ordered to be remitted p. 189

This House Adjourned till Eight of the Clock to morrow Morning

Tuesday July the 24th 1716

The Upper House of Assembly Sate Present

The Honble {	Tho ^r Brooke Esq ^r	Col Tho ^r Addison
	Col W ^m Holland	Col W ^m Whittington
	Col W ^m Coursey	Philemon Lloyd Esq ^r
	Col Young	L ^t Col R ^d Tilghman &
	John Hall Esq ^r	Col Thomas Smith

Ordered that Charles Carrol Esq^r do forthwith appear before his Excell^{ty} the Governour & this House and bring with him the lease his Ldship has made of the Growing Rents

Ordered that a Letter be wrote to M^r Henry Darnall to appear this morning at the Board

M^r Charles Carrol appearing His Excell^{ty} tells him that He now Speaks to him on behalf of the Lord Proprietary & this Province And desires He will let him see the Lease His Lordship has Granted of his growing Rents Which being produced & Read appeared to be made by his Lordship's Guardian dated the 10th day of April 1716 to M^r Henry Darnall for the Term of Six years from the 25th Sep^r 1714 And in Consideration of £300 Sterl money of Great Brittain & 167000 tob^o to be paid to Several of his Standing Officers

M^r Carroll says that if the Lease is not accepted by M^r Darnal there must be also a Reservation of 110000 tob^o for keeping the Rent Roll M^r Darnal appeared & declared that he would not interfere with the Interest of his Lordship & the Country And refused to accept the s^d Lease And thereupon M^r Carrol in presence of this House immediately cancelled the said Lease by breaking off the Lord Guilford's Seal thereto p. 190

U. H. J. Upon due observation made of the af^d Lease & that his Excellency the Governour has given the Country Assurance of those Rents & Alienation Fines upon passing a Bill for an additional Duty of 6^d p hh^d to his Ldship

His Excellency is pleased to say that It is very hard Usage he receives, and that his Reputation is lessened and that he can never give any Credit to such a person as M^r Charles Low Who drew that Lease after such positive Letters to offer the bargain to the Country

Resolved that the Scheme proposed by M^r Carrol & the Lease now Cancelled be sent to the House with the following message Viz.

By the Upper House of Assembly
July the 24th 1716

Gentlemen,

We herewith send you M^r Carrols Scheme relating to a compensation for extinguishing the Tob^o Rents and Alienation Fines & also a Lease made by his Lordship's noble Guardian to M^r Henry Darnal upon whose generous Declaration this day in this House that he would not interfere with the Interest of his Ldship & the Country & refusal to accept thereof M^r Carrol has cancelled the same so that tho his Excellency
p. 191 thinks He has been hardly dealt with in that such a Lease should have been made after the directions he had received to make this offer to the Country yet now the publick have it in their option to consider of this matter & scheme proposed And whether It may be for their Interest to accept the Bargain on the Terms of raising the whole Six pence p hh^d or otherwise paying his Ldship three hundred pounds Sterl p annum & the Tob^o in the Scheme mentioned to his several Officers. We desire you to observe that there is 110000 tob^o reserved in the Scheme beyond what is allotted his Ldship's standing Officers (mentioned in the Lease) & must be applyed to the Charge of keeping his Ldship's Rent Roll
Signed p order W Bladen Cl Up Ho.

Sent to the Lower House by all the Members of his Lordship's Council

On which occasion the House Adjourned for a Quarter of an Hour & immediately Sat again

His Excellency was pleased by the honble Col Holland to send to the Speaker of the Lower House as followeth Viz.

M^r Speaker

I think my Reputation to be very much concerned that such

a Lease should be made to M^r Darnal when I had offered U. H. J. such a proposal concerning the Six pence p^h by the Lord Proprietary & Lord Guilford's orders. Therefore to give the Country all due Satisfaction & to acquit myself of any unfair proceeding, I do on the word of a Gentleman declare that I neither directly or otherwise knew any thing of the above p. 192 Lease until M^r Carrol told me of it nor did I know any thing of the Conditions of the s^d Lease before I heard it read this day in the Upper House of Assembly which I desire you will do me Justice to acquaint the House with

July 24th 1716

John Hart

This House Adjourned for two Hours

Post Meridiem

The Upper House met again Present

His Excellency the Governour

The Honble {	Tho ^r Brooke Esq ^r	John Hall Esq ^r
	Col W ^m Holland	Col Tho ^r Addison
	Col W ^m Coursey	Philemon Lloyd Esq ^r
	L ^t Col Sam ^l Young	L ^t Col Richard Tilghman
	Col Thomas Smith	

His Excellency the Governour withdrew

It was proposed and Resolved that this House will address his most Sacred Majesty

Resolved that this House will address his Ldship the R^t Honble the Lord Proprietary to congratulate his Lordship on his Majesty's restoring him to the Governm^t of this Province

Major Wilson & M^r Lloyd came from the Lower House and saw M^r Rousby sworn to his Acc^{ts} of the Duty of 3^d p^h for Arms & the 9^d p^h for support of Governm^t from the 28th October 1714 to the 28th October 1715 which he did in their presence

The Several following proposals were offered by his Excellency the Governour for advancing the publick Credit of this Province Viz.

1st That the Levys be laid at the Several County Courts in p. 193 the month of August yearly, And the time for Sherriffs to deliver accompts be by the 20th Octob^r & to levy execution the 20th December.

2^{dly} That all Persons indebted to the Sherriff upon any Account whatsoever any Sum of Tob^o not exceeding 250 lb weight shall be obliged at or before the 20th December in every year to bring it to certain places in the County appointed

U. H. J. by the Sherriffs with the approbation of the County Court, where the Sherriff shall be obliged to receive it in Satisfaction of his Debt

3^{dly} That the Sherriff may have 20 p Cent for collecting publick Tob^o & officers fees And that he shall make no Returns but be accountable except for Insolvencys which shall happen before the 20th December in every year

4^{thly} That the Sherriffs may not take Interest for forbearance

5^{thly} That the Sherriffs may continue in their office that behave themselves well not exceeding years.

The Board adjourned till nine of the Clock to morrow morning

Wednesday July 25th 1716.

The Upper House Sate Present

His Excellency the Governour

Tho ^o Brooke Esq ^r	Col Tho ^o Addison
Col W ^m Holland	Col W ^m Whittington
Col W ^m Coursey	Philemon Lloyd Esq ^r
L ^t Col Sam ^l Young	L ^t Col R ^d Tilghman
John Hall Esq ^r	Col Tho ^o Smith

P. 194 His Excellency the Governour observing that M^r Charles Carrol has given under his Hand that his Lordship's Land office is in effect shut up M^r Walter Pye & M^r Henry Sewall who have the distribution of the Surveyors Commission having met with some disappointment therein from the Governm^t (as they say) And M^r Deputy Secretary enquiring of his Excellency what resolution he was pleased to make in that matter His Excellency declares He has no intention to obstruct his Lordship's Interest But will give his Lordship's Surveyors all requisite assistance for his Ldships Service & the Benefit of the Country

Provided they will qualify themselves to execute their respective Offices according to the Laws of this Province; On failure whereof He is resolved to put the s^d Laws in Execution, And further declares that if any obstruction be given to his Ldship's Land Affairs It will be owing to those Who distribute these Commissions to such Surveyours Who will not qualify themselves according to the Laws of this Province

On Consideration whereof Resolved that this House do approve of the s^d Declaration and do think his Excellency's Resolution highly reasonable

His Excellency further takes notice that as he is appointed Keeper of his Ldship's Great Seal in this Province he thinks

himself obliged to Act in that Station as near as may be to U. H. J.
the duty of Keeper of the Great Seal of England Who upon
any unlawful Grant made by the Crown is answerable for
fixing the Great Seal thereto

But as his Ldship is pleased to make use of one other p. 195
Great Seal in Great Brittain which He or his Guardian have
affixed to several Grants & Commissions relating to the
Government here the Keeper of his Lordship's Great Seal in
this Province is not only thereby exposed to the hazard of
being called to Account for such Grants & Commissions which
he has no due Knowledge of & may not be Legal; but the
perquisites of the Great Seal the Reward of his Care & Fidel-
ity in that Office very much diminished, And what is more
intolerable the People under great uncertaintys by having two
Great Seals at once made use of in the Government thereof
not knowing which Seal to pay due obedience to

Resolved that the Lord Proprietary be addressed by this
House on his Restoration to the Government of this Province
& other Affairs And the Lower House desired to join therein
And that they will appoint some of the members of their
House to join with Col Coursey & Col Tilghman appointed
by this House in order to draw up the s^d Address And that
they meet at M^r Kennedys about six of the Clock this Evening.

A Copy of which Resolution was sent to the Lower House
by Col Coursey & Col Tilghman

His Excellency observes that M^r Carrol has by his Com-
mission from his Lordship the appointm^t of the Rangers which
is expresly against an Act of Assembly of this Province, &
not only so but has by the s^d Commission Engrossed most of p. 196
the Offices in the Province

His Excellency acquaints the House that M^r Carrol has
shewed him an Address intended to be presented to the Lord
Benedict Signed by a great many Hands Wherein It was
prayed the Roman Catholicks should have an Equal Share in
all the publick Offices of this Province which his Excell^{cy}
diswaded him from presenting & advised him to drop it
And told him He would oppose it with the utmost vigour.
That at M^r Carrols Request his Excell^{cy} would not have ever
mentioned it, But now he finds M^r Carrol has broke his
word with him by offering it to the present Lord Proprietary
He thinks himself obliged in Conscience to notify it to this
House

Cap^t Mariartee & five more brought up from the Lower
House the following Message Viz.

U. H. J.

By the Lower House of Assembly
July the 25th 1716

May it please your Excellency and Honours

The Committee of Aggrievances have made the following Reports Viz.

p. 197 That that Law now in force against Striking of Fish does not answer the Intent designed in regard that there can be no method found to prevent those people that Live convenient by the Water side they having opportunitys to strike fish undiscovered When those that live a distance off dare not attempt it for fear of being discovered with the Fish & so liable to the penalty of the s^d Act

And that that Law Entituled an Act for relieving the Inhabitants of this Province from some Aggrievances in the prosecution of Suits at Law prevents the Plaintiffs bringing any actions against the Residents of the Province in the Provincial Court wherein the Debt or Damages do not amount to above five thousand pounds of Tob^o or twenty p^d but the Defend^{rs} are left at their Liberty when sued in the County Courts to remove the s^d Actions by Habeas Corpus to the Provincial Court if the Debt or Damages in Demand do amount to above fifteen hundred pounds of Tob^o or Six pounds five Shillings And therefore It is hoped that the same shall be prevented by a Supplementary Bill to the s^d Act

On reading which It was resolved that the same were Aggrievances And that the same ought to be provided against Viz. The former by a Bill repealing the Act against striking of Fish & the latter by a supplementary Bill to the Act relieving the Inhabitants of this Province from some Aggrievances in the prosecution of Suits at Law & pray your Excell^{cy} & Honours Concurrence

Signed p order Tho^s Macnemara Cl Lo Ho.

Which being read & Considered this Board agree to repeal the Law against Striking Fish.

p. 198 But having put the Question whither the refusing the King's Subjects the Benefitt of Writts of Habeas Corpus in such Cases be not repugnant to the Laws of Great Britain, Resolved accordingly that if such supplementary Law be made it would be repugnant to the Laws of Great Britain and invade the Subjects Right of making Use of such Writts

The House Adjourned for two Hours

Post Meridiem

The Upper House Sate Present as in the morning

The Several Queries put to M^r Carrol the 19th Instant & U. H. J. his Answers thereto Viz.

To the 1st He answers that he said nothing to their Lordships about the Acts of the 12th & 15th of King Charles the second in the Quere specified Being very well Satisfied that there was nothing in those Acts that could hinder the s^d Lord Proprietary as Hereditary Governour of Maryland from granting the Commission under Consideration And knowing likewise very well that the s^d Lord Proprietary's Ancestors always gave such Commission's themselves and not their L^{ds} or Deputy Governours And that the Execution of those Commissions was always committed to the Lord Proprietary's Receiver General And as for the Act of the 7th & 8th of King William the Lord Proprietary & the Lord Guilford his Guardian ordered him to wait on the Comm^{rs} of his Majesty's Customs in London in order to qualify himself pursuant to that Act which he has accordingly done as appears by an Instrument from the s^d Commissioners

To the 2nd That He did not tell the Secretary of the Comm^{rs} what he would do when He came upon the place of Executing his Commission because He thought it needless to tell he would do what was necessary. The granting the Commission & the Acceptance thereof must be Supposed to be in the Execution attended with all necessary & required Qualifications And that there is no Oath required by the Statutes in the first Querie mentioned but what He is ready & Willing to take and knows It is requisite he should take an Oath for the true & punctual discharge of his Office which He is ready to do p. 199

That the Comm^{rs} of his Majesty's Customs did not require him to make a profession of his Faith And that He believes It would be looked upon as impertinent in him to go about it before that Board

To the 3^d That he took the Offices upon him in the Querie mentioned because he has for some years past been Entrusted with all of them that lay in the Proprietary's Ancestors to grant without being in the least called in Question on any Act while the Governmn^t was immediately in the Crown And since his Majesty's Justice has restored the Lord Proprietary to his Hereditary Right of Governing this Province he thinks himself Safe in Serving his Lordship in all the Offices specified in the Querie till his Ldships Pleasure be known concerning the Act of Assembly taken notice of which was never assented to by the late Queen And as I Conceive stands repealed by an Act made in the first year of his present Majesty Which requires to take the Oath of Abjuration.

U. H. J. But that Act having not been under his Majesty's Consideration before He was graciously pleased to Reinstat^e his Ldship in his Right of Governm^t nor ever assented to by his Lordship He does not think It is a Bar to him from executing his Lordships Commission, Which when he rec^d it did not enter into his thoughts that his Ldship's Govern^r under the Crown ever did for these twenty five years past during which time He has had the Honour to serve his Lordship & the People of this province without Reproach And he believes that his faithful Services And the Justness of his Accompts with his Lordships Ancestors was the only Inducem^t his Lordship had to committ the Receipt of the Revenue of this Province Rather to his Care than to others who phaps were not so well known in the Family

To what is desired He answers that his Lordship has not yet appointed any Surveyors General consequently there can be no Deputy Surveyors but his Ldship & the L^d Guilford his Guardian have sent in twelve Commissions for Surveyours with directions to grant them to Protestants in such Countys where his Lordship's Surveyours Places were usually Executed by Protestants While the Governm^t was in the Crown And that upon the Death or just Cause of Removal of any such Surveyour or any other Officer or Officers in Offices Usually held by Protestants none should be put in their Rooms but Protestants But none of the S^d Commissions are as yet issued because M^r Walter Pye & M^r Henry Sewall who have the distribution of the s^d Commissions have met with some Disappointm^t therein from the Government (as they say) for which Reason his Ldship & the People of this Province suffer much detrim^t And the Land Office is in effect thereby shut up for the issuing warrants for taking up Lands without Surveyours to execute them would be but a Charge to no purpose

Char^t Carrol

Being read at this House His Excellency desires their Opinion thereupon

Who unanimously agree & declare that M^r Carrol has not made a direct answer to any of the s^d Queries but Endeavoured wholly to Evade the Questions

M^r Charles Carrol appearing at the Board and being taxed that he had given it under his Hand that the Land Office was in effect Shut up

Says the Gentlemen appointed to distribute the Surveyours Commissions were told they should take the oaths in order to

qualify themselves, And says he has seen his Lordships Com- U. H. J.
missions to his Governours Sealed in London

His Excellency Speaks about the two Great Seals M^r
Carrol says that those who affixed those Seals will answer the
doing it

M^r Carrol is of opinion that my Lord being at so great a
Distance Ought to have a great Seal to affix to his Instruments
there

His Excellency says that if his Ldship gave his Orders:
The Great Seal might be affixed here as he should direct

His Excellency asks M^r Carrol if the Commissions to be
Executed here be not such as usually pass under the Great p. 202
Seal of this Province

To which M^r Carrol did not reply

His Excell^{cy} says That there are persons to be appointed to
Execute twelve Blank Commissions

M^r Carrol says he has not the nomination of those Affairs
but M^r Walter Pye & M^r Henry Sewall has the nomination of
them

His Excellency tells M^r Carrol that the Rangers are to be
appointed by the Governour according to Act of Assembly
And why he did not (being of Council for his Lordship &
having a Sallary therefore) acquaint his Ldship therewith

He says that nothing of that matter then occurred to him
and He could not help what his Ldship put in his Commission

His Excellency says that having no direction or Knowledge
from my Lord of Surveyour's Commissions but from M^r
Carrol He does not impede my Lord's Authority in granting
these Commissions but bids M^r Carrol to tell the Gentlemen
to record them & not give out Reports of my Lord's Land
Office being impeded & shut up by his Excellency's means

His Excellency cautions M^r Carrol to direct all Persons he
gives Commissions to, to record them

M^r Carrol laid before his Excellency the Abstract of one of
his Lordships Instructions Viz.

Inasmuch as we have now given twelve Commissions for
Surveyours and have no Surveyour General In Case of the
Death of any of the s^d Surveyours You are hereby impowered
to appoint & constitute on the Western Shoar at the nomina- p. 203
tion of Walter Pye whom we intend for our Surveyour General
of the said Shoar Others in their Room till further Orders
from us, & in Case of misbehaviour misfeazance or negligence
in any of the s^d Surveyours as to the due Execution of their
Office or Wrong by them willingly done to any person whom
They are to serve in their s^d Office, You are hereby impowered

U. H. J. to suspend & displace such Surveyour or Surveyours and to appoint Others at the same Denomination in his or their place till further orders from us And on the Eastern Shoar you are to do the same at the nomination of Henry Sewall Whom we intend for our Surveyour General of that Shoar And you shall receive one third part and no more of the profitts of Each Surveyour on the Western Shoar to the only use & Benefitt of the s^d Walter Pye & on the Eastern Shoar to the use & Benefitt of the said Henry Sewall, And you are likewise to fill up the Twelve blank Surveyours Commissions We now send by you as the s^d Walter Pye & Henry Sewall shall nominate & appoint

M^r Carrol withdrew

After which his Excellency says he forgott to ask M^r Carrol why he did not Surrender up the Land Records to M^r Deputy Secretary

M^r Lloyd says the Reason is from an Instruction M^r Carrol has to perfect some Land Business

M^r James Lloyd & two more brought up from the Lower House the following message Viz.

p. 204 By the Lower House of Assembly
July the 25th 1716

May It please your Honours

In Compliance with your Message by the honble Col W^m Coursey & L^t Col Rich^d Tilghman M^r James Lloyd John Rousby Esq^r Major John Bradford & Cap^t Tho^s Trueman Greenfield are appointed to meet the s^d Col W^m Coursey & L^t Col Tilghman at the Time & Place in the said message mentioned to draw up the Address

Signed p order Tho^s Macnemara Cl Ho Del.

Ordered that the following message be sent to the Lower House by John Hall Esq^r Viz.

By the Upper House of Assembly
July the 25th 1716

Gentlemen—

In answer to your Message this morning by Cap^t Mariartee & five other members of your House We acquaint you that we do agree the Act against striking Fish should be repealed for the Reasons in your message given

But as to the Supplementary Bill proposed we are of opinion should this House agree thereto

It would not only be repugnant to the Laws of Great U. H. J.
Brittain but be an Invasion of the Subjects common Birth
Right of making use of such Words

Signed p order W Bladen Cl Up ho.

The Board adjourned till nine of the Clock to morrow
morning

Thursday July the 26th 1716

The upper House of Assembly Sate

Ordered that a message be sent to the Lower House
desiring the Delegates of the Several Countys if they can to p. 205
give his Excell^y an Exact Account of what Tob^o has been
raised in their Several County Levys the last year 1715 for
defraying the Charge of Squirrels & Crows Heads. And
the following message sent by

By the Upper House of Assembly
July the 26th 1716

We desire that the Delegates of the several Countys (if
they can) will let us know what Tob^o has been raised in their
respective County Levys the last year 1715 for defraying the
Charge of Squirrels and Crows Heads Some of the County
Clerks not having returned their Levys

Signed p order W Bladen Cl Up ho.

The Petition of the Inhabitants of Calvert County praying
to have a new Court built at a more convenient place for the
County than where the old Court House now Stands,

Being read at the Board & approved of the said Petition
was sent by Col Addison to the Lower House thus Endorsed
Viz.

By the Upper House of Assembly
July 26th 1716

Tho the appointing where Courts shall be held be a matter
in his Lordship's the Lord Proprietary's Prerogative yet to
gratify the Petitioners We recommend to your Consideration
Where the place may be proper to build a new Court House
on for Calvert County And to prepare a short Bill empowering p. 206
the Justices of that County to purchase a reasonable Quantity
of Land to build the s^d Court House on & to levy the neces-
sary Charges of the s^d purchase & Building

Signed p order W Bladen Cl Up Ho.

U. H. J. Col Mackall & Seven more Delegates brought from the Lower House the following Message Viz.

By the Lower House of Assembly
July 26th 1716

May It please your Honours—

On reading the latter part of your Message of the 25th Instant by the honble John Hall Esq^r about the supplementary Bill to the Act relieving the Inhabitants of this Province from some Aggrievances in the prosecution of Suits at Law We are of opinion that since the Legislature of this Province has thought it for the Advantage of the Inhabitants by that Act to restrain any Plaintiffs from suing their Debtors being Inhabitants in the Provincial Court Where the Debt & Demand does not Exceed 5000^l tob^o or £20 Sterl that there is as much Reason by the Supplementary Bill proposed to restrain the Defendants from removing such suits by Habeas Corpus to the Provincial Court in order to gratify their Litigious Temper & weary out the Plaintiff with great Charges & long Attendance Who is obliged to bring his Action in the County Court & not else where and where the Plaintiff not foreseeing the Removal must be presumed to have provided for Tryal And that therefore the Supplementary Bill proposed cannot be thought a greater Invasion of the Birth Right of the Subject Whereby the Def^t is to be restrained from removing the suit before Tryal than to prevent the plaintiff from bringing it where he pleases

And therefore hope your Honours will agree to the Supplementary Bill proposed

Signed p order Tho^s Macnemara Cl Lo Ho.

On Consideration whereof the following Answer was sent by Col Coursey Col Whittington & Col Tilghman Viz.

By the Upper House of Assembly
July the 26th 1716.

Gentlemen—

In answer to your Message by Col Mackall & others It is the opinion of this House that altho the Legislature of the Province to redress a General Aggrievance complained of and represented from all parts of this province have (giving way to the hard Circumstances of the Inhabitants) thought fit to oblige the Plaintiffs in any Action not exceeding 5000^l tob^o or twenty pounds Sterl to sue in the County Courts, & not else where, yet we cannot think this Aggrievance proposed

has any Colour of being General or any Wise foreseeing any U. H. J. greater hardships to the Plaintiffs here than what his Majesty's Subjects of England lye under being obliged to follow their Causes to the Superiour Courts Provided such Habeas Corpus be duly obtained (that is to say) the previous Requisites performed in order for the Attainm^t thereof Viz—good security to abide the Superiour Courts Judgm^t & a Judges Allowance on the Back of the Writt And likewise that It be offered before the issue joined or one Juror sworn in the Lower Court & not for a less sum than limited So that What you offer We conceive has no weight in Ballance with the other Gen^l Aggriev- p. 208
ance of many people being brought to the provincial Court where they have not their neighbours or Friends to bail them to their great expence & Impoverishm^t

But if It should be granted because the Legislature has thought fit to Enact the other for the Defendants' Advantage & at their prayer Yet we think It will still be invading the Subject's Birth Right to deny the Defendants the Benefit of the Laws (to favour the Plaintiffs) especially when It is considered that It may often happen that the Plaintiff's Interest in the County may be far more prevalent than the Defendants so that he cannot reasonably expect an impartial Tryal there. And It is further observed that since the people have desired to be sued in their own Countys It is not likely they will remove the Suits unless there be especial Cause which we cannot see any Reason to debar them of

Signed p order W Bladen Cl Up ho.

The Board adjourned for two Hours

Post Meridiem

The Upper House Sate Present as in the morning

It being offered by his Excellency the Governour in this House that whereas William Fitz Redmond & Edward Coyle of this City were lately by a special Court of Oyer & Terminer & Goal Delivery held for Ann Arundel County & the City of Annapolis fined one hund^d p^{ds} Curr^t money of this Province & committed to the Custody of the Sherrieff of Ann Arundel County until such time as they should pay their respective fines Viz

William Fitz Redmond Sixty pounds & Edw^d Coyle forty p. 209
pounds Curr^t mony of this Province to the said Sheriff for his Lordship's use

It is now enquired how the said W^m Fitz Redmond & Coyle came to be discharged And whither the s^d Sherrieff received the af^d Fines in money Curr^t according to the Judgem^t of the Court

U. H. J. And thereupon Ordered that the s^d Sherriff appear to morrow morning before this Board & give his Excellency & this House Satisfaction therein how the s^d Fitz Redmond & Coyle were discharged & paid their Fines

Col Hoskins & three more brought up from the Lower House of Assembly the following message Viz.

By the Lower House of Assembly
July the 26th 1716

May It please your Honours

As further Reasons than what we have heretofore offered for passing the Supplementary Bill proposed we beg your Honours will consider that the End of the Act for the Speedy Recovery of Small Debts in the County Courts will be Eluded & merchants & Traders hindred from recovering their Debts the first Court according to the Design of the s^d Act if Removalls by habeas Corpus be not prevented Which will not only very much discourage Trade but be a means to impoverish the Inhabitants And if such Suits be removed the Defendant will have a great opportunity to demur to the
p. 210 Plaintiffs Declaration which through the General Unskillfulness of the County Court Attorneys are for the most part faulty And if the Removals be Restrained & the Cause tryed in the County Court those faults are in a great measure aided by Several Statutes after Tryall & therefore hope you will agree to this Bill that a Remedy may be provided for the Plaintiff Equal to what is provided for the Defend^t

Signed p order Tho^s Macnemara Cl Lo ho.

The petition of divers the Inhabitants of Baltimore County praying that the South side of Potapsco may be annexed to Ann Arundel County Being read in this House It is thought reasonable & recommended by this House to the Lower House to admitt a Bill to be brought in for annexing that part of Baltimore County now on the South side of Potapsco to Ann Arundel County as prayed And being so Endorsed was sent to the House by the Honble Tho^s Brook Esq^r

The Board Adjourned till nine of the Clock to morrow morning

Friday July 27th 1716

The Board Sate Present as Yesterday

The Honble Col Edward Lloyd has leave to be two days Absent in order to prepare his Answer to the Complaint of the Lower House & inform his Council of his Case. His

Excellency communicates to the House an Article of her late U. H. J. Majesty's Royal Instructions to him Viz.

Article 57th You are to permitt a Liberty of Conscience to all persons (except Papists) so they be contented with a peaceable & quiet Enjoyment of the same not giving Offence p. 211 or Scandal to the Governm^t

And a Paragraph of the Lord Guilfords Letter from London dated May the 30th 1715.

In all other Matters you must conform your Self to the Instructions you have already Save only that you must return your Accompts of them to me, instead of the Governm^t here

London September 19th 1716

Long before now you must have received our Commission and our first Letter with some few indigested Instructions in it such as We are capable to give in an Affair We are so little acquainted with.

In the Same Letter

M^r Lowe will write to you & send you his Majesty's Instructions to us which you are punctually to observe

Signed Guilford Baltimore

This House are unanimously of Opinion that the s^d 57th Article of her late Majesty's royal Instructions (His Excellency declaring that he has not received from the Lord Proprietary or his Guardian any Instructions or Contradictions thereto) ought to be by him observed in this province

The Honble Col Tho^s Ennalls came & took his place in this House

The House adjourned to four of the Clock in the Afternoon

Post Meridiem

The House again Sate Present as in the morning

M^r Tyler & twelve other Members of the Lower House brought up a Bill for the better Security of the Peace & Safety of his Lordship's Governm^t & the Protestant Interest within this Province Endorsed p. 212

July the 27th, 1716.

Read the first & second times in the Lower House & will pass Signed p order Tho^s Macnemara Cl Lo Ho.

The Board Adjourned till nine of the Clock to morrow morning

U. H. J.

Saturday July the 28th 1716

The Upper House Sate Present as yesterday save the honble Tho^r Brooke Esq^r Who had leave to go home on particular occasions

Ordered that the Address to the Lord Proprietary be read.

And the same was read & approved of and with the following message sent to the Lower House Viz.

By the Upper House of Assembly
July the 28th 1716

Gentlemen

Inclosed We send you a rough Draught of an Address or Application to his Lordship the Right Honble the Lord Proprietary somewhat altered since drawn up by the Committee And desire you if you think fit to join with us therein and add thereto what you may think proper

We observe to you that although in the Direction the Lord Proprietary's Guardian is named yet It is to the Lord Propy in his politick Capacity we address ourselves

Signed p order W Bladen Cl Up Ho.

p. 213 Sent by the honble Col Coursey Col Ennalls Col Addison & John Hall Esq^r

M^r Tyler & three more brought up a Bill for levying the Additional Duty of four pounds Curr^t Mony p poll on all Irish Serv^{ts} to prevent the importing too great a number of Irish Papists into this Province & four pounds p poll an additional Duty on all negros for raising a Supply towards defraying the publick Charge of this Province Endorsed

July the 28th 1716

Read in the Lower House of Assemble the first & second times And will pass

Signed p order Tho^r Macnemara Cl L ho.

The message by Col Hoskins & three others being considered at this Board Ordered that the following Answer be sent thereto Viz.

By the Upper House of Assembly
July the 28th, 1716.

In answer to your Message by Col Hoskins and three others of your House We offer that It is evident the People think it a Benefitt to be prosecuted in the Countys So we can-

not believe they will think it their Interest to remove their U. H. J. Causes to a Superiour Court unless in extraordinary Cases Which they ought not to be debarred of And since that the Act of Assembly for Speedy Recovery of Debts has been in practice near twenty years & no General Complaint made of the Inconveniencie you now Start We are unwilling to put a Stop to the Common Law Which is every Man's Birth Right And therefore desire you will not further insist on this matter p. 214

Signed p order W Bladen Cl Up ho.

Sent by Col Tilghman & Col Smith

The Bill for the better security of the Peace & Safety of his Lordship's Governm^t & the Protestant Interest within this Province Was Read the first Time and the following Remarks made by this House thereupon, Viz. That the Appropriation of the Fines in the Law is not Sufficiently expressed And therefore It is desired It may be applyed to the Benefitt of Free Schools, And that there wants a Clause to be added that in Case any Person who holds an Office or Trust in this province And has taken the Oaths Enjoined by Law shall afterwards be present at any Popish Assembly Conventicle or meeting and hear Mass or Receive the Sacram^t in that Communion He shall not only forfeit his Office & incur the penalty in this Act limited but also be incapable of taking holding or Executing any other Commission in this Province until He shall be publickly reconciled to the Church of England & Receive the Communion therein. And further in regard his Lordship may not Suffer in his private Estate It is Recommended that an Exemption be made in this Act It shall not extend to the Collection of his Lordship's Rents or to the granting his Lands or other his Lordship's private Affairs no ways relating to the publick until his Lordship's Pleasure is further known but to all matters & Things relating to the Governm^t

And the s^d Bill with several Proposals for advancing the publick Credit being Read & approved by this House were sent to the Lower House by Col Coursey Col Ennalls Col Young M^r Hall Col Whittington & Col Smith p. 215

The Bill for laying an Additional Duty of four pounds Curr^t p poll on Negros & Irish Servants being Read at the Board was Endorsed as followeth Viz.

By the Upper House of Assembly
July the 28th 1716

This Bill read in this House the first Time and will pass with these Amendm^{ts} Viz.

U. H. J. That Six months time is thought notice Enough for the Law to take place And that there may be an Exemption for the Duty on negros imported by Vessels wholly owned by the Inhabitants of this Province

Signed p order W Bladen Cl Up Ho.

And sent to the Lower House by Col Ennalls Col Young M^r Hall Col Whittington & Col Smith

Leave was given Col Addison, Philemon Lloyd Esq^r & L^t Col Tilghman to go home on particular occasions & return Monday next God Willing

His Excellency communicates to this House the following Letter from M^r Char^s Carrol his Ldships Agent Viz.

Annapolis July the 28th 1716

May It please your Excellency

p. 216 I hope it will not look improper I inform your Excellency that I understand the Officers through whose Hands the money to be paid the Lord Propry in Compensation of his Rents & for Support of Government has passed do intend to burthen the s^d Revenue with a discount of Eight p Cent & five p Cent If so the Lord Propry will fall short of the Compensation proposed by the Country by so much as the said Discounts will amount unto which will be very considerable and which I have reason to believe he does not expect This I intimate that such measures may be taken as shall be thought fit to have the Revenue come to his Lordship without such an unexpected Defalcation

I am your Excellency's most humble Servant

Charles Carrol

His Excellency Says that the Lord Benedict dying before he could declare his Acceptance of the 18^d p hh^d on the Terms in the Law proposed is the occasion that the s^d Duty was not received by his Ldships Receivers

And forasmuch as the Assembly has appointed a Reward for those Officers that have collected that Duty who have done their Office & must be Satisfyed therefore He is of opinion some reasonable Recompence ought to be made the present Lord Proprietary for the Defalcation of the Officers' Sallary since Michaelmas last

Resolved that his Excellency's Opinion is highly reasonable & that such Recompence to be made to his Lordship be recommended to the Lower House to consider of the Ways & means and thereupon the s^d Letter with a Message to the

af^d purpose was sent to the Lower House by Col Coursey U. H. J.
Col Ennalls Col Young M^r Hall & Col Whittington p. 217

Resolved that the honble Col Coursey Col Ennalls Col Young M^r Hall & Col Whittington be appointed to join with the members of the Lower House to present the Address from both Houses to his Excellency the Govern^r

And accordingly twelve of the Lower Houses Members having joined them they presented to his Excellency the following Address Viz.

To his Excellency John Hart Esq^r Capt Gen^l & Governour in chief in & over this Province

The humble Address of the Upper & Lower Houses of
Assembly

May It please Your Excellency

As It is impossible We should forgett the late audacious wicked & rebellious practices of many disaffected Persons in this Government against our most gracious Sovereign Lord King George (whom God long prosper) and that at a time when the Rebels to his Majesty's Crown of great Brittain gave us no small uneasiness & them no less hopes of prevailing against us so we see your Excellency's Zeal on that occasion for his Majesty's Service & exact discharge of your Duty in issuing several Seasonable Proclamations to Suppress their seditious & Treasonable Devices & to detect their Practices especially the Proclamation wherein your Excellency offered & since has given a considerable Sum of mony out of your pockett for the Discovery of those who fired the great Guns in this City in the night of the last Anniversary Day of the Birth of the Person commonly called the Pretender & your bringing to condign Punishm^t the Offenders lately presented before the special Courts of Oyer & Terminer & Goal Delivery will ever remain a lasting proof of your Loyalty to his most Sacred Majesty Fidelity to his Lordship & kind Inclinations to preserve the peace & Welfare of this Province for all which & many more acceptable Benefits we have received from your Excellency's just Administration of the Governm^t ever since we have been so happy to have you preside over us we are obliged in Duty & gratitude to return you our most thankful Acknowledgments which we humbly desire you to accept from our Hearts as well as hands p. 218

We are sorry to find the Right Honble our Lord Propy should be prevailed on by the Artifices of every evil designing Person who can have no good Will to our peace or Prosperity or any true Regard to his Lordship's Interest to lopp

U. H. J. off so many Branches of the Powers & Authoritys He has been pleased to grant you by his Commission for the Governm^t here & which you formerly so worthily exercised under the Crown, and particularly that relating to the Naval Office which by the Laws of Great Brittain & his Majesty's royal Instructions are positively lodged in your Excellency; But more particularly that those Powers & Trusts should contrary to the known Laws as well of Great Brittain as of this Province
 p. 219 be wrested from your Excellency & trusted in the Hands of Papists who have refused to qualify themselves for the Execution thereof, by taking the Oaths appointed by our Acts of Assembly And that whilst your Excellency according to the Duty of your Station is doing his Lordship the Lord Proprietary what we take to be the most Eminent & acceptable Service, by Endeavouring to obviate their Encroachm^{ts} upon the Governm^t here We are given to understand that It is by their subtile Insinuations your Authority is so much diminished that you have been obliged to write to his Lordship & his noble Guardian to beg leave to be recalled since you conceive you cannot longer Serve his Lordship not only in regard to your Honour & Character but in that you have it not in your power to oblige many persons to forward his Ldsp's Interest upon any emergent occasion those Offices & Trusts not being in your Disposal whereby to recompence their Services

This is a great Grief of mind to us and therefore We shall not fail to address his Lordship the Lord Proprietary & his noble Guardian & lay before them the unhappy Consequences of your Removal The very thoughts whereof strike such a damp upon our Spirits that we are scarce able to express the miserys we may well fear are so likely to break in upon us by an Inundation of Popery & Slavery should our Adversarys prevail against us Which we have already by their Obtaining those Commissions too much Reason to be apprehensive of

p. 220 We beg your Excellency will always retain a just sense of our grateful Acknowledgments for the civil & just Treatment you have been pleased on all occasions to afford us but more especially for your Supporting the Protestant Interest in this Province against which & your Excellencys Person & Fortune may no Sinister Artifices & Evil Devices of your & our Enemys ever prevail We are with much affection & Sincerity

Your Excellency's most
obedient humble Servants

Signed by all the Council, the Speaker, & Lower House of Assembly

The House Adjourned for two Hours

Post Meridiem

U. H. J

The Upper House met Present

His Excellency the Governour

Col W^m Coursey

John Hall Esq^r

Col Tho^s Ennalls

Col W^m Whittington

L^t Col Young

Col Tho^s Smith

Col Hoskins & fourteen more members of the Lower House brought up the following Message Viz.

By the Lower House of Assembly

July the 28th, 1716

May it please your Excellency and Honours

The Purport of your Message of the 24th Instant by the honble Tho^s Brooke Esq^r & nine other of the members of the Upper House requiring the utmost deliberation has been the reason the same has been so long deferred. This House having considered of two proposals therein made by order of the Right Honble the Lord Propy about our Land Rents has Resolved to lay an Additional Duty of Sixpence Sterl p hh^d of tob^o to be paid his Lordship in full recompence of the s^d Land Rents & Fines for Alienations, And forasmuch as that Duty of Sixpence Sterl p hh^d to be imposed on Tob^o seems to be too great a Burthen on that Trade we pray that the 3^d Sterl p hh^d for defraying the publick Charge of this Province may be taken away having Endeavoured to provide a Suitable Support for that by the Supposed Bill about negros & Irish Servants & pray your Excellency and Honours Concurrence

Signed p order Tho^s Macnemara Cl Lo. Ho.

Which being read & Debated Resolved Nemine Contradicente that the House do concur therewith

And the following Message was Sent to the Lower house by all the members of this House now present

By the Upper House of Assembly

July the 28th 1716

Gentlemen—

On due Consideration of your Message by Col Hoskins & fourteen more of the members of your House We acquaint you that we do approve of your proposals therein & unanimously concur therewith

Signed p order W Bladen Cl Up Ho.

U. H. J. John Rousby Esq^r Naval Officer of Patuxent came & made oath to his Accompts of the Duty of 3^d p Gallon twenty Shillings p poll on negros likewise of the 18^d p hh^d on Tob^o & also the Duty of 3^d p hh^d

M^r John Phelps Naval Officer of Potowmack district made Oath to his Accompts of the af^d Duty

M^r Stoddert & three more brought up the Bill for the better
p. 222 Security of the Peace & Safety of his Ldship's Government and the Protestant Interest within this Province with the following Endorsement of the Lower House Viz.

By the Lower House of Assembly
July the 28th, 1716

May It please your Honours—

Your Endorsement on this Bill being considered we readily agree to the two first Admendments thereby proposed As being highly necessary for the due Execution of the s^d Law, But the Third & last Amendment as proposed will give a greater Liberty than has been given by the Act made in the first year of the Reign of his present Majesty Entituled an Act repealing a Clause in an Act of Assembly Entituled an Act for Establishment of religious Worship within this Province & alsoe appointing the Oath of Abjuration to be taken in this Province and another Act requiring the Agents of the Lord Baltimore to certify into the Secretary's Office the Instructions and Conditions of Plantations with the Fees by them demanded & obliging his Lordship's Deputy Surveyours to qualify themselves according to Law Which we pray your Honours will be referred to, on perusal of which It is hoped your Honours will not insist further on the third proposed Amendment But if any expedient can be found for the giving any just & reasonable Latitude therein without running contrary to those Laws Which we are not willing to give up We shall readily agree thereto We alsoe propose that the penalty of 500^l mentioned in the Bill be reduced to half

On perusal whereof Ordered that the Bill lye on the Table
p. 223 for further Consideration And the following Message be sent to the Lower House by Col Coursey Viz.

By the Upper House of Assembly
July the 28th 1716

On reading your last Endorsment on the Bill for the Better Security of the peace & Safety of his Lordships Governm^t & the Protestant Interest within this Province we assure you

It was never our Intention to derogate from any of the Acts U. H. J. of Assembly mentioned in the said Endorsment And therefore shall retain the Bill for further Consideration

Signed p order W Bladen Cl Up ho.

Colonel Maxwell & three more brought up from the Lower House the following Message Viz.

By the Lower House of Assembly
July the 28th 1716

May It please your Honours

On reading M^r Carroll's Letter to his Excellency of this Day together with your message there under written relating to a Compensation to be made to the Lord Prop^{ty} for the Several Sallarys of 8 & 5 p Cent on the 18^d p hh^d provisionally granted to the Rt. Honble Benedict Leonard Lord Baltimore in Consideration of his Acceptance of his Rents in Tob^o at 2^d p pound We are of opinion that the s^d Duty Subject to to the paym^t of the said Sallary is a sufficient Compensation for his Acceptance of Tob^o at 2^d p pound for his whole Land Rents & therefore cannot agree to raising any Fund to answer the s^d Sallarys

Signed p order Tho^s Macnemara Cl Ho Del.

Which being Shewed to M^r Charles Carrol his L^dship's p. 224 Agent here He gave his opinion thereon as follows

I humbly conceive that such part of the Sallary within mentioned as the honble House shall not think fitt to make provision for may for his Ldsp's Service & the prevention of Delay or Interruption to so publick a Good as is proposed be postponed for the present without Concluding his Lordship from making the Reasonableness of his expectation not to be burthened with any part of the s^d Sallarys appear at another Time
Charles Carrol

Which was ordered to lye on the Table for further Consideration

Major James Harris & two more brought from the Lower House the Bill for laying an Additional Duty of four pounds p poll on Negros & Irish Serv^{ts} Endorsed

By the Lower House of Assembly
July the 28th 1716

May It please your Honours

Your Endorsement on this Bill being Considered We are of opinion that Sufficient Encouragem^t is already given by

U. H. J. former Laws to Country Owners of Vessels and therefore hold it needless further to Encourage them least we should be censured by Foreigners of Partiality & also give an opportunity to some by bringing negros & Irish Servants from Neighbouring Provinces to Elude the s^d Act Wherefore we cannot agree to the exemption proposed

Signed p order Tho^s Macnemara Cl ho Del.

The s^d Bill was again Read & Endorsed Will pass & sent to the Lower House by Col Ennalls

p. 225 M^r Rousby & three more brought up two private Bills the one for empowering the Surviving Exec^r of Robert Smith Esq^r to Sell Lands &c Endorsed by the Lower House

Read the first & second times & will pass

Which being read at this Board the first time was Endorsed will pass with the following Amendment Viz a Clause added to the Bill that the Surviving Execⁿ Acc^t for the purchase mony with the Commissary General as Assetts to Esq^r Smith's Estate And sent to the Lower House by Col Tho^s Smith

M^r Charles Wright & M^r William Turbutt brought his Excellency the Account of the Charge computed of Squirrells, Crows Heads for the year 1715 amounting in the whole to £605000 Tob^o as by the following Message Viz.

By the Lower House of Assembly
July the 28th 1716

May it please your Honours

Pursuant to your Message of the 26th Instant by the honble Philemon Lloyd Esq^r We send you such an Account as the several Delegates by guess can give of what Tob^o has been raised in the Several Countys for Squirrels & Crow's Heads in the year 1715 Viz. in S^t Mary's County 45000 in Charles County 46000 in Kent 45000 in Prince Georges 51500 in Calvert 62000 in Dorchester 60000 in Talbot 45000 in Cecil 27000 in Somersett 140000 in Queen Ann's 24000 in Baltimore 26000 & in Ann Arundel 40000

Signed p order Tho^s Macnemara Cl Lo Ho

The House Adjourned till nine of the Clock on Monday morning

Monday July the 30th 1716

U. H. J.

The Upper House Sate Present

His Excellency the Governour

p. 226

The Honble	{	Col W ^m Holland	{	Col Tho ^s Addison
		L ^t Col Sam ^l Young		Col W ^m Whittington
		Col Tho ^s Ennalls		L ^t Col R ^d Tilghman
		John Hall Esq ^r		Col Tho ^s Smith

A Letter from M^r Richard Rudyard a Roman Catholick in London to his son Rich^d in this Province was Read wherein after M^r Rudyard had Signified to his son that M^r Lowe one of the Secretarys of this Province had promised him that he & the other Secretary of this Province would write to M^r Lloyd the Deputy Secretary to prefer him to a County Clerks place upon the first Vacancy

There is a Paragraph thus: The King has Shewn a great deal of mercy in pardoning several of the Rebels which endears him much to the people & all come in & take the Oaths voluntarily & amongst the Rest several Romans of note, and more will do, [so] that if this Office should happen to be offered to you I would not have you lose it on Account of not qualifying yourself for that nicety is all over in England

Upon Consideration whereof It is the opinion of this House that It will not be proper M^r Lloyd Should on a Vacancy of a County Clerk's place confer one on the s^d R^d Rudyard j^r who purely offers to take the Oaths only for sake of a place

Col Mackall & five more brought from the Lower House p. 227 the Draught of the Address of the Upper & Lower Houses to the Lord Proprietary & his Guardian as followeth Viz.

To the R^t Honble Charles Absolute Lord & Proprietary of the Provinces of Maryland & Avalon Lord Baron of Baltimore &c And to the R^t Hon^r Francis Lord Guilford for & on his Behalf

The humble Address & Application of the Upper & Lower Houses of Assembly of this your Province of Maryland now sitting

May It please your Lordship

As we have great Reason to be thankfull to Almighty God for reconciling the mind of your dec^d Father of Noble memory to the Principles of the Church of England, So the hopes we have of your Lordship's continuing Stedfast in the same Communion have laid us under an obligation of Congratulating with all Sincerity your Lordship's happy Accession to the Dominions of your noble Ancestors

U. H. J. And as we have just reason to believe that your abjuring the Idolatrous & dangerous Principles and doctrines of the Church of Rome & your embracing the true Orthodox Religion & Principles of the Church of England (we hope to your eternal Happiness) was the great motive which prevailed with his royal Majesty to restore your Lordship to your just Right of Governm^t for some time withheld from your Ancestors & lodged in the Crown for Reasons of State unknown to us so we hope you will be Secure in the lasting & peaceable Enjoyment & Possession of your Governm^t & Dominion over
 p 229 us by maintaining & supporting that our holy Religion and protecting us in all our Civil Rights & Libertys

We beg leave to assure your Lordship that we resolve never to be wanting in our part in assisting your Lordship what we can for the obtaining this happy End. We do with all Sincerity & Gratitude acknowledge your Lordship's early Care of us by continuing to us a Governour who with unwearied Diligence pursues the Honour & Interest of your Lordship's Government the Security & Safety of the Protestant Religion and the Welfare & prosperity of all your People

And We should judge ourselves wanting in our Duty both to your Lordship & the Inhabitants of this Province & of doing Justice to his Excellency the Governour should we omitt to lay before you our humble opinion, that those who advised his Ldship to curtaile his power by lodging so great a part of it in the Hands of a professed Papist who refused to take the Oaths appointed by Law, when tendred him contrary to the Laws both of Great Britain & this your Province as well as his Majesty's royal Instructions in the first & second Articles communicated to us & granting Commissions in blank for particular offices under a Great Seal not made use of in this province, & putting them into the Hands of Papists to be distributed to such Persons as they shall think fitt had more regard to their own private Interest than either to the Honour or Safety of your Lordship's Government

And we are Sorry we have Occasion at this Time to repre-
 p. 230 sent to your Lordship that our Governour has acquainted us that after all his faithful Services he has been able to do your Ldship & your noble Father he thinks himself so much lessened in his Character as well as Authority that he cannot serve your Lordship any Longer with Honour, & Success & therefore has desired to be recalled unless your Lordship shall think fitt to restore him to the Powers he formerly held & exercised according to the Commission you have granted him

Which if your Lordship vouchsafes to do will oblige us to

have a grateful Sense of your Lordship's Favours therein & U. H. J.
will sufficiently demonstrate to us your Lordships Justice &
pious Resolution of preserving us our religious Civil Rights
& Libertys & will put a Check to the aspiring Hopes of both
our Secret & open Adversarys

On the Contrary the recalling or curtailing the powers &
Authoritys of the Governour at this juncture cannot fail to
gratify those Papists who have very lately Soared to that
Height of Impudence as to threaten his Person & undervalue
his power upon his causing a due prosecution to be made
against those Papists who had daringly & openly drank the
Pretender's Health, as King of Great Brittain & audaciously
cursed his most Sacred Majesty King George (whom God
long preserve) And on the Governour's Absence upon the
necessary occasions of the Country in the night of that Day
on which they commemorate the supposed Anniversary or
Birth of the s^d Pretender had caused some of the Great Guns
at the Seat of Governm^t to be loaded & fired off to the terror p. 231
& Amazem^t of the Inhabitants & in Contempt of his most
Sacred Majesty & your Lordship's good Rule & Government
of this Province

And this would no less discourage his Majesty's Protestant
Subjects here & possess their minds with fears & Jealousies
to see themselves so much Subjected to the power of Papists
& a Governour removed who has so signally exerted & con-
tinues Still with unbyassed Resolution to exert his Authority
for the Support of your Prerogative & promoting your In-
terest rendring the Government most acceptable to all the
Inhabit^{ts} here (except those Who are disaffected to the pro-
testant Succession & Interest) by making the happy Constitu-
tion & Laws of Great Brittain & this your Province the
Example and Rule of his Government

May It please Your Lordship It is out of a deep Concern &
hearty Zeal for your Lordship's Honour and Interest that we
have thus presumed (not to direct you) but humbly inform
you & lay before you the true State of these your Affairs
being Jealous lest your Lordship's Indulgence to Roman
Catholicks who have in such publick manner declared them-
selves Enemys to the happy Establishment of the Crown of
Great Brittain & your Protestant Governm^t here should by
any means lay your Administration obnoxious to the Censures
of his royal Majesty upon whom under God the Security &
Safety of your Religion & Governm^t depend or should in any
wise alienate from you the minds and Affections of your
Protestant People here

We heartily and sincerely pray that infinite Wisdom & p. 232

U. H. J. Goodness may so direct & influence all your Councils & Administration that your Conduct therein may ever have the Countenance & Approbation of his Royal Majesty & confirm the lasting peace & Safety of your Person & Government & the Security of the protestant Interest here to the Universal Satisfaction & Welfare of

May It please your Lordship
Your Lordships most obedient
faithful humble Servants

Which was Signed by all the Members of the Upper & Lower Houses of Assembly with the following Message Viz.

By the Lower House of Assembly
July the 28th 1716

May it please your Honours

We have perused the Draught of an Address to the Right Honble the Lord Proprietary brought down to us by the honble Col Coursey & three others of the honble members of the Upper House on Saturday last and have prepared another which contains all the Alterations We thought proper to make both which Draughts are herewith sent that your Honours may on perusal choose that which to your House seems meet

Signed p order Tho^t Macnemara Cl Ho Del.

Whereunto the following Answer was sent Viz

By the Upper House of Assembly
July the 30th 1716

Gentlemen—

We have perused the Draught of the Addresses intended from both Houses to the Right Honble the Lord Proprietary & his Guardian & do approve of that Draught drawn up by
p. 233 your House and sent us by Col Mackall & five Others of your members which we desire may be fairly transcribed & Signed this night in order to dispatch it by Cap^t Isaac Scarth who Sails on Wednesday morning

Signed p order W Bladen Cl Up ho.

Sent by Col Holland Col Ennalls Col Young & Col Tilghman

Col Hoskins & five more brought up a Bill for declaring the manner of Electing & summoning Delegates, And a Bill for the Relief of Peter Sawell being both of them En-

dorsed by the Lower House Read the first & second times & U. H. J. will pass

Which Bills being Read in this House the first and second times & Endorsed will pass, And were sent to the Lower House by the honble Col Addison

The honble Col Edward Lloyd came & gave in his answer to the Charge of the Lower House imposed against him the 19th Instant as followeth

In answer to the Charge of the Lower House of Assembly that during the time the said Edw^d Lloyd was Presid^t & Commander in Chief of the s^d Province They find by the Testimony of Several members of that House that on his Allegations that he had not then received nor had any certainty of receiving any Benefitt by being President, He was allowed the Sallary & itinerant Charges of a Councillour notwithstanding which He then received part & since the one full moiety of the nine pence p^p hh^d & of Sundry other perquisites Sufficient to answer his Charge of Attendance

The said Edward Lloyd Saith that He is much Surprised to find that any Gentlemen should misconceive or wrest his words for that he denyeth that ever he made such Allegations which would have been flatly opposite of the matter of Fact known not only to her Majesty's then honble Council as well as the Several Officers of the Revenue And as he presumes great part of the Assembly who had made him Allowances for several Perquisites as may appear by their Journalls But acknowledges that he has often declared that the Reward for the Services he performed in that Station was a thing very precarious as not knowing how long the same might continue or how soon be determined by her Majestys speedy dispatching a Governour in Chief into this province That as to his claiming & taking the Allowance of a Councillour He is advised & humbly conceives It was lawful for him so to do and that by virtue of his being a Councillour & the eldest of the then Council (& not as L^t Govern^r or Commander in chief of this Province) He took upon him to preside & act as a Commander in Chief on which occasion her Majesty by her royal Instructions was pleased to appoint & direct the Moiety of the said ninepence p^p hh^d & of the other Perquisites to be paid him for his better Support in that Station and that It may the more Evidently appear that the s^d Edw^d Lloyd was always understood by the Right honble the Secretary of State and Lords of Trade & Plantations even whilst He exercised the said Powers to be one of her Majesty's Council the superscriptions of all their Letters are to the honble Edward Lloyd p. 235 Esq^r President of her Majesty's Council in her Majesty's

p. 234

p. 235

U. H. J. Province of Maryland in America or to the Commander in chief of the s^d Province for the time being so that the President & the Command^r in chief plainly thereby appear to be different persons

And the s^d Edw^d Lloyd further observes that all the Allowances made him as a Councillour during the Time af^d were & are Sanctioned by sundry Acts of Assembly made by the Authority of her late Majesty & powers under her great Seal of great Brittain which he hopes & is Advised this Gen^l Assembly will not question

Edw^d Lloyd

Which being read and Considered of It is the Opinion of this House that tho' Col Lloyd was all the time He presided one of her Majesty's honble Council and took the Advantage of the Act of Assembly for ascertaining the Sallary to Councillours & Delegates (which would have been more generous for him to have forgone) Yet now that the Lower Houses Charge against him is general which he has denyed and since that five several Acts of Assembly have been made to Sanction the s^d Allowances made him & now complained of It is not now fitting to unravel the said Laws.

And Resolved the following Message be sent to the Lower House viz.

By the Upper House of Assembly
July the 30th, 1716

p. 236 Upon reading the answer of Col Edw^d Lloyd late Presid^t of her Majesty's honble Council in this province herewith sent to your House We find that your Charge against him is general Which he has denyed And altho Col Lloyd as we take it was one of her Majesty's honble Council all the while He acted as President in this province And took the Advantage of the Act of Assembly for ascertaining Sallarys to the Councillours & Delegates of Assembly Which we think would have been more generous in him to have foregone Yet since that five several Acts of Assembly have been yearly made to Sanction those Allowances made him & now complained of It is not now fitting to unravel the said Laws but for the future hope that Care may be taken to ease the Country of the like Charge

Signed p order W Bladen Cl Up ho.

Sent by the honble Col W^m Whittington

The Board adjourned till nine of the Clock to Morrow morning

Tuesday July the 31st 1716

U. H. J.

The Upper House Sate Present

The Honble {	Col W ^m Holland	Jn ^o Hall Esq ^r
	Col W ^m Coursey	Col Tho ^r Addison
	Col Ennalls	Col W ^m Whittington
	L ^t Col Young	Col Tilghman
	& Col Tho ^r Smith	

The Address proposed by this House to his Excellency the Governour being read at the Board & approved of was sent to the Lower House with the following Message

By the Upper House of Assembly

Gentlemen

We herewith send you the rough Draught of an Address voted in our House to be presented to his Excellency the Governour and desire you will add thereto or retrench from it what you judge fitting & then join with us therein

Signed p order W Bladen Cl Up ho.

Sent by Col Addison M^r Lloyd Col Tilghman & Col Smith

M^r Stoddert and Seven more brought up the Address of both Houses to the Lord Propy fairly transcribed Which was Signed by the members of this House And Sent to the Lower House by the honble Col Coursey Col Ennalls Col Young & M^r Hall

The Bill for supplying a Defect in the last Will & Testament of John Paramour dec^d being read at this Board & Council heard for the Petitioners as well as for Tho^r Paramour who is the Heir at Law & now in possession of the Land in the Will mentioned The said Will appearing to be very Slenderly proved only by one Evidence not in form of Law The Bill is rejected & Sent to the Lower House by Col Whittington

M^r Stoddert & M^r William Turbutt brought up from the Lower House the following Message Viz.

By the Lower House of Assembly

July the 31st 1716

May It please your Honours

The rough Draught of an intended Address to his Excellency brought down this morning by the honble Col Addison & three more of the honble members of your House being read This House approves thereof & will readily join with your Honours therein & have ordered the same to be Engrossed with all Speed

Signed p order Tho^r Macnemara Cl Lo Ho.

U. H. J. Then was the Draught of an Address to his most Sacred
 P. 238 Majesty intended from the Governour & both Houses of this
 General Assembly Read & approved & Sent to the Lower
 House for their Concurrence & to join therein by the honble
 Col Holland Col Coursey Col Ennalls L^t Col Young & Col
 Addison

The House Adjourned for two Hours

Post Meridiem

The House met Present as in the morning

Resolved that a Letter be wrote to our Agent the honble
 Col Nathaniel Blakiston & that he be therein desired to pro-
 cure our Addresses to be presented as well that to his most
 Sacred Majesty as also the Other to the R^t Honourable the
 Lord Proprietary and give us an Account of the Reception
 thereof And the Lower House are desired to direct such
 Letter to be prepared

According to which Resolve a Message was Sent to the
 Lower House by M^r Hall

M^r Hill M^r Codd & M^r Dashield brought up a private Bill
 for making good a Sale of Land from Joseph Bridger dec^d to
 Tho^s Jones dec^d & Endors'd

Read in the Lower House the first & Second times by
 especial order & will pass

Which being read in this House Ordered that the persons
 who apply for the Bill do to Morrow morning give this House
 Satisfaction how & when M^r Tho^s Jones paid the fourscore
 pounds mentioned in the Bill And Sent to the House by Col
 Smith

P. 239 Col Maxwell M^r Fendall & M^r Bond brought up a Bill for
 confirming Sales made by Anthony Ivey & Ann his Wife to
 Tho^s & John Davys Endorsed Read in the Lower House the
 first & Second times by especial Order & will pass

Col Mackall and nine other members brought up the fol-
 lowing Message

By the Lower House of Assembly

31st July 1716

May It please your Honours—

Your proposed Draught of an Address to his most Sacred
 Majesty by Col Holland and four Others of the Upper House
 was Read in this House and approved of. And the same is
 ordered to be Engrossed with all Speed after which we shall
 readily join therein

Signed p order Tho^s Macnemara Cl Lo Ho.

The Endorsement made by the Lower House the 28th July U. H. J.
Inst' on the Bill for the better Security of the Peace and
Safety of his Lordship's Governm^t and the Protestant Interest
within this Province being Considered, Ordered that the
Bill be again Endorsed thus That this House do not intend to
exempt his Lordship's Officers Who are concerned in the
granting his Lands or Surveying the same but only such as
manage his Lordship's private Estate within this Province,
And inform the lower House that the Granting and issuing
of Warrants is now in the Secretary's Office And the Seating
of Patents wholly in his Excellency the Governour who is
Keeper of the Great Seal

And as to the Fine we cannot think It ought to be less p. 240
than two hundred & fifty pounds Sterl. Sent to the House
by L^t Col Young & Col Tilghman

Col Hoskins and M^r Turbutt brought up the Letter pre-
pared in the Lower House to be signed by them and the
members of this House which was read and approved of
with the following Message Viz.

By the Lower House of Assembly
July the 31st 1716

In compliance with your message by the honble John Hall
Esq^r we have prepared a Letter to the honble Col Nathaniel
Blakiston requesting him to present the Addresses of the
Upper and Lower Houses this present General Assembly to
his Majesty and the Lord Proprietary which is herewith sent
for your perusal & Amendm^t if you shall think proper

Signed p order Tho^s Macnemara Cl Lo Ho

M^r Lloyd sent to the Lower House to acquaint them we
approve of the Letter to Col Blakiston

Ordered that the honble Col W^m Holland sign the said
Letter on behalf of this House

The Board Adjourned till nine of the Clock to Morrow
Morning

Wednesday August the 1st 1716

The Upper House of Assembly Sate

Present

The Honble {	Col Holland	Col Addison
	Col Coursey	Col Whittington
	Col Ennalls	Philemon Lloyd Esq ^r
	L ^t Col Young	L ^t Col Tilghman
	John Hall Esq ^r	Col Tho ^s Smith

U. H. J. The Bill confirming a Sale of Land made by Anthony Ivye
 p. 241 & Anne his Wife to Tho^r & John Davys being read in this
 House was Endorsed

Read the first time & will pass & sent to the Lower House
 by M^r Hall

This House reflecting on the vast Charge the Province
 was at the last year 1715 for Squirrels & Crows heads
 amounting by Computation to not less than £605000 tob^o
 which reduced to Curr^t mony at a Moderate price as Tob^o
 then bore ten shillings p Cent is not less than £3025 an in-
 tolerable Burthen & such a Charge in the full time of peace
 as has scarce ever been levyed in this Province so that the
 Justices of Somerset County particularly for that Charge
 levyed upwards of one hund^d & forty thousand pounds of
 Tob^o the last year upon the taxable Inhabitants of that
 County

Wherefore It is proposed whether an Expedient cannot be
 found by falling upon other measures to oblige every taxable
 Person to bring in Six Squirrels heads to the Levy or pay
 four pounds of Tob^o for what are wanting at least to make
 the proportion more Equal to the Inhabitants For as the Law
 Stands It is only an Encouragement to idle People

Which being drawn into a Message was sent to the Lower
 House by Col Whittington & Phil Lloyd Esq^r

Col Mackall & four more bring up a Bill for repairing the
 Damages already Sustained in the Records of the Land
 p. 242 Secretarys Commissarys & County Court Offices & for the
 Security of the Same Records for the future

Which being Endorsed Read in the Lower House the first
 & Second times & will pass And was Read in this House &
 Resolved It will pass with this Amendment made to the Bill
 Viz. the particular Rooms be assigned & fitted up for keeping
 the Records in and a Clause added that no persons shall
 make any searches in the Records but the respective Clerks
 of the several Offices And that fair new Alphabets be made
 to the several Record Books & fair Labells put to the several
 Books with their marks numbers and years And further that
 the Secretary's Security be but one thousand pounds & the
 County Clerks to be two instead of one hundred pounds
 Sterl

And Sent to the House by L^t Col Young
 The Board Adjourned for two Hours

Post Meridiem

The Upper House Sate Present as in the Morning

His Excellency was pleased in answer to the Address Yesterday presented to him from both Houses to make the following Answer Viz.

Gentlemen of the Upper & Lower Houses of Assembly

It is a very sensible pleasure to me that I find the Administration of this Governm^t committed to my Care is so acceptable to the good people of this Province as you are pleased to express in your most affectionate Address to me yesterday for which you have my hearty Thanks

Your Laws will ever be the Rule & measure of my Authority and I shall not fail to put those Laws in Execution against such persons who shall contumaciously dare to offend against them or have them in any degree of Contempt

P. 233

Your Prosperity shall be my constant Application to protect & to preserve it from any Attempts may be made by artful & designing men whether I have the happiness to remain among you or if It be the pleasure of Providence by the means of yours and my Enemys to remove me from this Station I shall stedfastly continue to the utmost of my power to be a sincere friend to the protestant Interest of Maryland

John Hart

Which was Read at the Board & very thankfully accepted and after that sent down by Col Holland and six more of the members of this House.

M^r Tyler & five more brought from the Lower House a Bill for transferring the payment of all such Fines & Forfeitures as shall hereafter arise or happen upon the Breach of any the penal Laws of this Province to the Right honble the Lord Proprietary

Several observations on M^r Carroll's Answer to such Queries put to him the 19th July 1716 being read at the Board were sent to the Lower House together with the s^d Queries & Answers by Col Holland.

The Bill for transferring the paym^t of all such Fines & Forfeitures as shall hereafter arise or happen upon the Breach of any the penal Statutes of this Province to the R^t Honble the Lord Proprietor being read was Endorsed

P. 244

Read in the Upper House the first time & will pass and sent to the Lower House by the honble Col Addison

L^t Col Scott & Cap^t Codd brought up from the Lower House the following Message Viz.

U. H. J.

By the Lower House of Assembly
August the 1st 1716

May It please your Honours—

Your Endorsement on the Bill for the better Security of the peace & Safety of his Lordship's Government and the Protestant Interest within this Province whereby you mention an exemption of those that manage his Lordship's private Estate within this Province being considered we think it Necessary to avoid future Debates that such offices as are to be exempted be particularly named in the Bill And desire your honours will name such as you think necessary should be exempted

Signed p order Tho^r Macnemara Cl Lo Ho.

Which M^r Charles Carrol his Lordship's Agent being made acquainted with wrote his Opinion thereon as followeth Viz.

I Conceive that all the Lands in this Province not already granted are my Lords private Estate and the Rents reserved upon those grahted are likewise so that Escheats, Waifs, Strays, & Deodands, Felon's Goods, Fines, Forfeitures, Amerciaments, as property of the Soil are his private Estate

p. 245 And in general that all Moneys due on any Account whatsoever payable to him by Law or by virtue of his Royaltys & not appropriated to any other use is likewise so as also all Surplus Lands and Ferrys It is somewhat difficult to enumerate all the Branches of his private Estate in so short a time therefore leave it to his Excellency & the Board to distinguish between the Government (which doubtless is publick) and the Proprietary's private Estate

Charles Carrol

M^r Hill and M^r Charles Wright brought up a Bill confirming three small Tracts of Land lying in Ann Arundel County to Susannah Johnson her heirs & Assignes for ever, Endorsed Read in the Lower House the first & Second times by especial order and will pass.

Which being read in this House the first time was Endorsed Will Pass and sent to the Lower House by the honble Col Addison

The Board Adjourned till nine of the Clock to morrow morning

Thursday August the 2^d 1716

U. H. J.

The Upper House met & were Present as yesterday

His Excellency represents to the House that by the negligence of M^r Charles Lowe who is Agent for the Lord Proprietary & the Lord Guilford his Guardian, He has not yet had any Instructions from their Lordships Either in Case of his Death or Absence where the Power of the Governm^t shall be lodged or who shall execute the same That as he has been formerly in great Danger of his Life by several violent fitts of Sickness there may happen great prejudice and Confusion among the people upon his Death If It should please God He should die before the Lord Proprietary & his Guardian by some special Instruction make provision therefore He desires the Opinion & Advice of this House what may be done to prevent the mischiefs may ensue on such a Casualty. Resolved nemine Contradicente that the not sending into this Province particular powers & Instructions for the Administration of the Government here in Case of his Excell^{ty}'s Death or Absence is a great omission in his Lordship's Agent And that the same cannot be otherwise provided for than by some Act of Assembly directing where the s^d Powers shall be lodged and how executed until his Lordship the R^t Honble the Lord Prop^{ty} and his Guardian's directions and Instructions shall be sent into this province p. 246

Whereupon the following message was sent to the Lower House Viz.

By the Upper House of Assembly
August the 2^d 1716

It being represented by his Excellency the Govern^r to this House that by the Omission of the R^t Honb^{le} the Lord Prop^{ty} & his Guardian's Agent in England their Lordships have not yet sent any Instructions or Authoritys into this Province either in Case of the Death or Absence of the Governor where the power of this Governm^t shall be Lodged or who shall execute the same, That his Excellency the present Governour has been formerly in great danger of his Life by Several Fitts of Sickness there may happen great prejudice & Confusion among the people upon his death If It should please God he should die before the Lord Proprietary and his Guardian by some special Instruction make provision therefore— p. 247

This House do unanimously resolve that not sending into this Province such powers and Instructions for the Administration of the Governm^t here in Case of the Death or Absence of the Govern^r is a great omission in his Lordships Agent And conceive that the ill Consequences of such neglect at

U. H. J. present cannot be otherwise provided for than by an Act of Assembly, directing where the s^d Powers shall be lodged & how executed until their L^dships the R^t Honb^{le} the Lord Proprietary & his Guardians Directions & Instructions shall be sent into this province on which emergent occasion we desire the Advice & Concurrence of your House what just measures may be now properly used for the Service of the R^t Honb^{le} the Lord Proprietary and the security of the Peace & Welfare of this Province

Signed p order W Bladen Cl Up ho.

Sent to the Lower House by Col Holland Col Coursey Col Ennalls & L^t Col Young.

M^r Carrol being acquainted with the last message says that he thinks an Act of Assembly to that purpose can't be any ways prejudicial to his Lordship's Interest.

p. 248 The Consideration of the Lower Houses message in Answer to a message from this Board recommending a Compensation to be made to the Lord Proprietary for the Sallarys of 8 & 5 p Cent to which the Duty of 18^d p hh^d is Subject being now to be had—

Ordered that M^r Carrol be sent for to appear before this House.

His Excellency informs this House that as the R^t Honb^{le} the Lord Prop^r and his Guardian have appointed M^r Tho^s Beake & M^r Charles Lowe to be their Secretarys of this Province and have granted to them the Fines for Ordinary Licences therefore their Lordships expect an Act of Assembly should be passed this Sessions to ascertain the said Fines & appropriate them to the Use of his Secretarys.

Resolved by this house that there seems to be an absolute necessity the ordinarys should be regulated

M^r Carrol upon hearing the 57th Article of the Queen's Instructions Read Saith It is his Opinion that the said Article is only negative to allow but not to inflict any Penalty.

M^r Charles Wright & two more brought up the Bill for making good the Sale of Land from Joseph Bridge to Tho^s Jones deceased.

M^r Rousby & seven more brought up the following message Viz.

By the Lower House of Assembly
August the 2^d 1716

May it please your Honours

On reading your Message of this day by the honble Col. Holland & three others of the Upper House We agree that

the not sending into this Province Instructions Who should U. H. J.
administer the Government in Case of his Excellency's Death p. 249
or Absence has been a great Omission & may prove of Evil
Consequence unless provided against for prevention whereof
We agree to make a provision for the same by a Law & can-
not think of a better method than what has been used when
the Government was in the Crown But that is entirely Sub-
mitted to his Excellency & your Honours.

Signed p order Tho' Macnemara Cl Lo Ho.

Col Ennalls had leave to go home on particular Occasions
The Board Adjourned for two hours.

Post Meridiem

The House Sate Present as in the Morning Save Col.
Ennalls who had leave to go home.

Col Hoskins & two more brought up a Bill for repairing &
securing the Records.

Read & further Endorsed Viz.

By the Lower House of Assembly
August the 2^d 1716.

May it please your Honours—

Your Endorsement on this Bill has been considered

We are of Opinion that particular Rooms for keeping the
Records belonging to the Several Offices in this Bill Specified
are already fitted & assigned And therefore think that there
is no occasion for any further Provision in that particular

And as to a Clause to be added restraining any person but
the Several Clerks to make Searches

We think that the Law proposed obliging the Officers to
make the Records good will prevent any Inconveniency that
way. We cannot think the making fair new Alphabets to any
Record Books that are not worn or deficient or adding p. 250
Labels with their marks numbers & years will be any
Way for the publick Good We believe such things may be
useful to & for the Ease of the Several Officers And as they
take the Fees It is just & reasonable they should at their
Expence get those things done

And as to the Sum you propose the Secretary ought to be
bound in We cannot think it reasonable to agree thereto, con-
sidering the great Trust reposed in him And that on his
faithful discharge of the Condition proposed the Safety of the
Generality of the Estates of this Province depends He having

U. H. J. the keeping of as well Provincial & Chancery Entrys as of the Land Records Wherefore It is hoped that the Lessening that will not be further insisted on When we are willing a County Clerk shall be bound with Suretys in two hundred pounds Sterl who has not a twentyeth part of the Trust reposed in him that is reposed in the Secretary

Signed p order T. Macnemara Cl Lo. Ho.

Resolved that the following message be sent to the Lower House Viz.

By the Upper House
August the 2^d 1716.

Gentlemen—

We have appointed the hon^{ble} Col Holland Col Young & Col Smith three of our members to view the Secretary Commissary and County Clerk's Offices in this City And to see how conveniently they are fitted up for the Security of the
p. 251 Records of those Offices & desire you will join some of the members of your House with them that they may make report thereof to this present General Assembly.

Signed p order W Bladen Cl Up ho.

M^r Tyler & eleven more of the members of the Lower House brought up the following Message Viz.

By the Lower House of Assembly
August 2^d 1716.

May It please Your Honours—

Your message by the hon^{ble} Col W^m Whittington of Yesterday about the Charge of Squirrels & Crows Heads the last year 1715 has received a full debate And we have resolved that tho the Yearly Charge arising on that Account seems very great yet It circulates among the Taxable Inhabitants of the Several Countys, and therefore no very great Burthen for every Person may if he pleases & thinks it worth while kill as many as may defray his proportion of the Charge And the Squirrels & Crows now by the Encouragem^t given are almost destroyed And to lay an Obligation on every taxable to kill a certain number will not be so effectual a Means to destroy them as the method already proposed. Besides the fewness of them occasioned by the Encouragement given by the Law in force will render it impracticable (as we hope) to comply therewith

But if in few Years we find they are not lessened we shall U. H. J.
readily enter on new measures either to redress the Charge
or for more effectually destroying them

Signed p order Tho' Macnemara Cl Lo Ho.

In reply whereto Resolved the following Message be sent
to the Lower House Viz.

p. 252

By the Upper House of Assembly
August the 2^d 1716

Gentlemen—

Since Your House has thought it will not be fitting to repeal the Law for encouraging the killing of Crows and Squirrells We propose that some better provision may be made to prevent any impositions upon the County Justices And first that the Squirrells or Crows Heads or Scalps be carryed to the County Courts every Court & examined by the Youngest Justice present on the Bench Who shall burn them at the Court House And that no Certificate be granted to any but such as do kill the Crows and Squirrells either by themselves Children or Servants & that not until such Persons have made Oath of their being killed in the County where they claim Allowance therefore.

And in the next place that any person detected of having sworn falsely shall be deemed perjured & be fined to the Lord Proprietary his Heirs & Successours toward the County Levy the Sum of ten pounds Curr^t Money or otherwise suffer twelve months Imprisonment of their Bodys without Bail or mainprize

Signed p order. W Bladen Cl Up ho.

Sent by M^r Hall Col Whittington & Philemon Lloyd Esq^r
M^r Tyler & four more brought up the following message
Viz.

By the Lower House of Assembly
August the 2^d 1716.

May it please your Honours—

We have in compliance of your Message of this day by the honble Col. W^m Coursey appointed M^r Robert Tyler M^r James Lloyd Col. Nathaniel Hynson Cap^t Tho' Dent & M^r Charles Wright to join those honble members of the Upper House named therein to View the Secretary's Commissary's and County Clerks Offices and to see how conveniently they are fitted up for the Security of the Records that they may report thereon

Signed p order Tho' Macnemara Cl Lo Ho.

U. H. J. Resolved the following Message be sent to the Lower House Viz.

By the Upper House of Assembly
August 2^d 1716

Gentlemen—

In answer to your message on the 28th July last wherein you are of Opinion that the duty of 18^d p hh^d Subject to the payment of the Officers Sallary of 8 & 5 p Cent is a sufficient Compensation for his Lordship's Accepting Tob^o at two pence p pound for his Land Rents, We have consulted M^r Carrol his Lordship's Agent who says that he humbly conceives that such part of the Sallarys within mentioned as the honourable House shall not think fitt to make provisions for may for his Lordship's Service and the prevention of delay or Interruption to so publick a good as is proposed be postponed for the present without Concluding his Lordship from making the reasonableness of his Expectation (not to be burthened with any part of the said Sallarys) appear at another time which we refer to the Consideration of your House

Signed p order W^m Bladen Cl Up ho.

Sent by Col. Tilghman.

p. 254 Also Resolved that the following Message be Sent to the Lower House Viz.

By the Upper House of Assembly
August 2^d 1716

Gentlemen

In answer to your Message yesterday wherein you desire to prevent future debates and that as to such Offices as are exempted in the Bill in your Message referred to We should name such as We shall think reasonable—

We must observe to you that those Offices are so many and various relating to his Lordship's private Estate within this Province and that any person or persons who shall presume by Colour of such Offices to Act any thing relating to the publick Affairs of this province shall be liable to the penaltys in the said Act of Assembly expressed.

Signed p order W Bladen Cl Up ho.

Sent by the honourable Col Smith

Resolved that the following Message be sent to the Lower House Viz.

By the Upper House of Assembly
August 2^d 1716.

U. H. J.

Gentlemen—

His Excellency having acquainted this House that the Right Honble the Lord Proprietary and his Guardian the Right Honble the Lord Guilford have appointed M^r Charles Lowe & M^r Tho^s Beake his Lordships Secretaries of this Province and have granted to them the fines for Ordinary Licences We do think it absolutely necessary that the Ordinaries in this province be regulated & therefore Recommend to your House that a Bill may be now prepared therefore & also to ascertain the fines on the said Ordinary Licences

Signed p order W Bladen Cl Up ho.

Sent by Col Holland & Col Coursey

p. 255

Mr James Lloyd & five more brought up the following Message Viz.

By the Lower House of Assembly
August the 2^d 1716

May it please your Honours—

In answer to your Message this Afternoon by the honb^{le} John Hall Esq^r and two others of the Upper House We acquaint you that a Vote has passed in this House Some Days ago

1st That the Law now in force for the killing of Squirrells and Crows sufficiently provides against the Inconveniency you mention And we believe that a Single Justice at his Habitation may & will give as good an opinion as he can at open Court on his private viewing there the Heads & Scalps of Squirrels & Crows And as to your Proposal that no Certificates be given to any but such as do kill the Crows & Squirrels either by themselves their Children or Servants We think that would introduce perjury and many other Inconveniencys for the Master not being present at the killing them by his negros or Children cannot be deemed able to prove the same Yet we cannot think He ought to lose the Benfitt. We believe the direction of every Justice of peace such as to be satisfyed that the Squirrells & Crows for the Heads of which a Certificate is required were killed in the County where such application was made for a Certificate before he grants any And if any person committs perjury in making such a Claim or obtaining a Certificate, We believe such a misdeameanour is by Law punishable And therefore desire you will not further insist on any other Provision than what is already made

p. 256

Signed p order Tho^s Macnemara Cl Lo ho.

U. H. J. Which was referred to further Consideration

The Board Adjourns till nine of the Clock to morrow morning

Friday August 3^d 1716

The House met Present as yesterday

On Consideration of the message by M^r James Lloyd & five others last night since the Lower House are of Opinion that the Continuing the Law for killing Crows & Squirrels is so beneficial to the Country And that we have no other design than to prevent the Countys being imposed upon by evil persons obtaining unjust Allowances—We conceive you did not apprehend our meaning in our message so that we are obliged again to tell you that It is our Opinion if the County Courts should take Care every Court to approve one or more of their Brethren at Court time to take the Account of the Crows heads & Squirrels heads And Scalps see them burnt there and also receive reasonable proof to the truth of the Claimants knowledge that they were killed in their Countys before they give Certificate thereof It would not only prevent frauds but be rather an Ease to the Justices from being so frequently troubled in their Houses at other times on that occasion And this may be done by a short Supplementary Bill to the Law in force for killing of Crows & Squirrels

Which being drawn into a message was sent to the Lower House by Col Young & M^r Hall

Major Wilson and Cap^t Frisby brought up the following Message Viz.

By the Lower House of Assembly
August the 2^d 1716

May it please your Honours

On Consideration of your Message of yesterday by the honble L^t Col. Rich^d Tilghman about the several Sallarys of 8 & 5 p^r Cent on the 18^d p^r hh^d granted to the Right Honble Benedict Lord Baltimore in Consideration of his Acceptance of his Land Rents in Tob^o at 2^d p^r lb. We agree in regard the s^d money was lodged in the Treasurer's hands for the Security of the Country 'till his L^{ds} pleasure should be known that the Sallary of five p^r Cent ought to be made good to the Lord Proprietary. But as to the Sallary of 8 p^r Cent arising due for collecting & receiving the same duty We are of opinion his Lordship ought to be at that Charge for if his pleasure had been known And that he had Accepted of it He must have appointed Officers & pay Sallarys for collecting it

And therefore in order to avoid any Debates that in time to U. H. J. come may arise on the same We desire to be Satisfied whether his Lordship has or shall accept of the s^d 18^d (Allow- p. 258
ance being made him for the 5 p Cent & Sallary) on the Condition for raising the Act in the same mentioned for We are unwilling to postpone that matter

Signed p order Tho^t Macnemara Cl Lo Ho.

Which being read and Debated His Excellency the Govern-our says that tho his Letters from the Lord Proprietary and his Guardian direct him not to alter any thing in the Substance but that he may vary in the Stile of the Law now to be passed for the Application of the 18^d p hh^d Yet he thinks that what the Lower House has proposed is so reasonable that He shall agree thereto on his Lordships behalf provided this Assembly will pass a Vote that in Case he should be obliged by Law to make good to his L^dship the 8 p Cent on Collection of that Duty this Province shall reimburse him the money For that as his Excellency is no gainer by that matter It is very unreasonable he should be a Loser thereby

Which being approved of by this Board was Recommended to the Lower House

A Bill for confirming a Sale of Land from Joseph Bridger Esq^r and his Wife to Tho^t Jones being again read & the House Satisfyed with the payment made by Jones—

Resolved the Bill pass. And being so Endorsed was sent to the Lower House by Col. Tilghman

M^r Hall being indisposed had leave to go home

The Petition of M^r John Broom high Sherriff of Calvert County being read praying that Whereas he entered upon his Office in February 1713 And being obliged to quit it at the three years End so that he cannot possibly collect the publick & private debts he is Entrusted with in that Time the General Assembly would continue him in his Office till the third Tuesday of June next p. 259

Resolved that the said Petition be recommended to the Lower House to admitt a Short Bill for his relief And make a provision for the continuing all Sherriffs Who come into their Office under his Circumstances that they may compleat their three years Collections

Sent by the honble Col Smith

The Petition of Richard Evans being read the said Evans having as in his said petition is Sett forth summoned many Evidences by Virtue of Warrants directed, and attended Several days on the Magistrates who made Enquiry into the

U. H. J. late disturbances by drinking the Pretenders Health & firing the Great Guns in this City It was recommended to the Lower House for a Suitable Reward And Sent by Col Tilghman

Col Hoskins & five more brought up the following Message Viz.

By the Lower House of Assembly
August 3^d 1716

May It please your Excellency and Honours

This House hath fully heard Col Edward Lloyd and his Council in defence of what he was charged with by our Message of the 20th July last He was fully Acquainted with the
p. 260 Reasons of this Houses Resolve on that Occasion And had the opportunity of hearing Sundry Members of this House as Evidences against him Who in our Judgm^t have fully proved upon their Oaths the facts we charged him with.

We have fully considered the said Col Lloyd's Answer in writing Which you were pleased to lay before us And we find thereby that the said Col Lloyd has denied that He ever made such Allegations Which would have been flatly opposite to the matter of Fact. We have had it fully proved that such Allegations were made and if flatly opposite to matter of Fact We hope our Charge is in that part proved, We find he acknowledges that he has often declared that his Reward for the Services he performed in that Station was a thing precarious. We cannot find the said Col Lloyd had any Inducement to make such Declaration had it not been as a motive to the Country to make the Allowances complained of Which he thereby seemed tacitly to acknowledge He had not a better pretence for than by the plausible Allegations of his other Rewards being precarious Which It seems afterwards proved certain and consequently the consideration of such Allowances removed We do not find the said Col Lloyd in any part of his answer or Defence insists at all upon the Justice or reasonableness of those Allowances, but insists chiefly on his Right by the Laws of this Province And that such Allowances have been made & ought not now to be recalled We take Custom & Legislature to be the best Interpreters of the Laws And we find by the Ancient Acts where
p. 261 Councillours had Offices of profit they had no Allowances for their Attendance in Council & It is fresh in the memory of sundry members of this House that even where the Act of Assembly ascertained to every Councillour one hundred & fifty pounds tob^o p day Yet the Commissarys Gen^l being of the Council have been refused such Allowances for that the

Perquisites of their Office were thought sufficient to defray ^{U. H. J.} their expences And that the very Ground & Reason of the Law that gave such Allowances was only to bear the expences of those Who had no other Way to reimburse themselves their Expences in the Service of the Publick

We cannot Allow the Conclusions that Col Lloyd makes from the Superscriptions of his Letters which rather seem designed to find out the person by the Synonymous Titles of President of the Council or Commander in Chief than to evince the Diversity of the persons especially considering Col Lloyd had then the full power of Commander in chief acted as such & had a negative voice in the passing our Laws And that Several of our Laws were then to our great Cost dissented to because they were Enacted by the Council & Assembly without saying her Majesty's President Council & Assembly From whence we infer he was a Separate Body distinct from the Council & had a Superiour power to it And we have reason to believe had a larger recompence for his Services without that one hundred & fifty p day than all the members of the Council put together and consequently was ^{p. 262} not within the reason or Equity of that Law nor indeed within the Words of it whilst he acted in that different Station

We take it if Col Lloyd's Allowances were unjust they ought to move the Justice of the Legislature Who cannot doubt of their Authority nor that It is their duty in this part to do their Country Justice And therefore praying leave & offering to prove the Facts he has denied in such manner as your House shall think most proper They pray your Excellency & Honours Concurrence that (on such proof) a Clause may be added to the Bill to be drawn for laying the Levy to Enjoin the payment of the said Tob^o & money towards the defraying the publick Charge

Signed p order Tho^s Macnemara Cl L Ho.

The Consideration whereof was referred until the Afternoon

The Board adjourned for two Hours

Post Meridiem

The Upper House Sate Present as before

M^r Stoddert & six more brought up a Bill for ascertaining the Tare & Gauge of Tob^o hh^{ds} & to prevent cropping cutting & defacing Tob^o taken on Board Ships or Vessels upon freight & for laying impositions on Tob^o p the hh^d for the support of Government & for the Encouraging Settlements in this Province And the taking of 3^d p hh^d formerly raised for the publick Charge Endorsed

U. H. J.

By the Lower House of Assembly
3^d August 1716

p. 263 Read the first & second times by especial Order and will
pass

Signed p order T. Macnemara Cl. Lo. Ho.

Which was read in this House the first time
M^r Rousby and three more brought up the following
Message Viz.

By the Lower House of Assembly
August the 3^d 1716

May It please your Honours—

In answer to your Message of Yesterday by the honble
Col Holland & Col Coursey about the Fines for Ordinary
Licences Which you thereby intimate to be given by his
Ldship to M^r Beak & M^r Lowe the Secretarys of this province
We acquaint you that we find by the Journals of the House
of Delegates during the time S^r Tho. Lawrence was Secre-
tary of this Province many debates & Contests happened on
that subject between the Country and him Whereby we find
the Country did agree he had not any Right thereto And
now the Government is in my Lord Proprietary which may
occasion new Arguments And that this matter requiring
mature Consideration has been so lately laid before us And
that the other Business laid before this House is pretty nigh
finished Which gives us hopes that this Session is near a
Conclusion the Continuance of which would occasion a great
Charge to the publick We pray your Honours will agree to
refer that matter to the Consideration of the next Sessions

Signed p order T Macnemara Cl Lo Ho.

p. 264 Resolved the following Answer be sent thereto Viz.

By the Upper House of Assembly
July the 3^d 1716.

In answer to your message by M^r Rousby and three more
of the House His Excellency says that It is his opinion the
Right to those Fines for Ordinary Licences is in my Lord
Baltimore tho' It never was in S^r Tho' Lawrence and that the
Secretarys may sue any that keep Ordinarys or Houses of
Entertainm^t (upon this Assembly's delaying to ascertain the
Fines) for what he thinks reasonable, And until such time as
it becomes a general Aggrievance which will necessarily

oblige the Country to make a Law to remedy the mischief U. H. J.
you have now an Opportunity to prevent

Signed p ord^r W Bladen Cl Up ho.

And sent to the Lower House by the honble Col. Whittington
Major Wilson & three more brought up the following
Message Viz.

By the Lower House of Assembly
August 3^d 1716

May it please your Honours—

In answer to your Message this day by L^t Col. Sam^l Young
& John Hall Esq^r about the Heads & Scalps of Crows &
Squirrels We agree to the bringing in a supplementary Bill
impowering & requiring every Magistrate before whom any
Squirrels or Crows heads are produced to require reasonable
proof to the best of the Claimants Knowledge that they were
killed in the County before any Certificate shall be given
and to see such Heads or Scalps burnt but to oblige the
Claimants to go to Court would be a means to discourage
many from killing those Vermin for Persons living at a great
Distance from the Court will hardly think it worth while to
carry a few heads thither And we also agree that a Clause be
inserted that no Squirrels or Crows heads or Scalps killed by
Indians be paid for All which is hoped will prevent the
Countrys being imposed on p. 265

Signed p ord^r T Macnemara Cl Lo Ho.

The Board adjourned till nine of the Clock to morrow
morning

Saturday August the 4th 1716

The Upper House of Assembly Sate

Present

The honble {	Col W ^m Holland	Col W ^m Whittington
	Col W ^m Coursey	Philemon Lloyd Esq ^r
	Col Tho ^s Addison	L ^t Col. R ^d Tilghman

The Message last night by Major Wilson & three more of
the Lower House being Considered

Resolved that this House do concur therewith & the
honble L^t Col Tilghman sent to the Lower House with the
following Message Viz.

U. H. J.

By the Upper House of Assembly
August the 3^d 1716

Gentlemen—

This House do concur with your Message by Major Wilson and three more of your Members relating to Squirrels & Crows heads or Scalps

Signed p order W Bladen Cl Lo ho.

p. 266 M^r Stoddert & Col Maxwell brought up the Bill for the better Security & Safety of his Ldships Government and the Protestant Interest within this Province and the following Message Viz.

By the Lower House of Assembly
August 4th 1716

May it please your Excellency

Pursuant to your Message of the 2^d Instant by Col. Tho^s Smith relating to the Bill for securing the peace and Safety of his Lordship's Governm^t &^c & your Endorsm^t on the s^d Bill of the 31st July last We have amended & made a further Addition to the said Bill giving persons concerned in my Lord's private Affairs Liberty to transact them for twelve months next ensuing which Bill is herewith sent that your Honours may on reading the same see whether you like the Addition or whether the Amendments be conformable to what you proposed till which time would not pass it for Engrossing

Signed p order T Macnemara Cl ho. Del.

On Consideration whereof Resolved the following Answer be sent thereto Viz.

By the Upper House of Assembly
August the 4th 1716

We have Considered the Clause exempting those who negotiate his Lordship's private Affairs and approve thereof the Words to the End his Lordship may not be disappointed or Surprized in his private Circumstances being omitted as well as the Limitation of twelve months

Signed p order W Bladen Cl Up ho.

Sent by Col Addison

p. 267 Col Mackall and M^r Charles Wright brought up the following Message Viz.

By the Lower House of Assembly
August the 4th 1716

U. H. J.

May it please your Honours—

M^r Broomes Petition and your Endorsm^t has been considered and since It is evident M^r Broom knew of that Inconveniency when he accepted of the s^d Office of Sherriff and in regard his predecessor has undergone such an Inconveniency as he prays remedy against We think it improper to agree to the bringing in a Bill of that kind in his favour being unwilling to do any thing contrary to the Act in that Case made & provided

Signed p order T Macnemara Cl Lo Ho.

Which being read the following Answer was sent thereto by Col Whittington

By the Upper House of Assembly
August the 4th 1716

On Consideration of your Answer by Col Mackall & M^r Charles Wright to our Recommendation of M^r Jn^o Broome Sherriff of Calvert County's petition We must say that we think the Petitioner is in very hard Circumstances to go out of his Office in Feb^r next before he can make his third years Collection which may be the like Fate of his Successours unless some of them happen to die at a more convenient time about the latter End of May or beginning of June And without which Accident the same Inconveniency will long attend that as well as other Countys Wherefore we desire you will p. 268
reassume the consideration thereof

Signed p order W Bladen Cl Up ho.

M^r Charles Wright & M^r W^m Turbutt brought up the Bill for making valid a Conveyance of Land from Anthony Ivey & Ann his Wife to R^d Moore & Edith his Wife Read in the Lower House the first & Second times and Endorsed will pass. Which being read in this House was endorsed will pass and sent to the Lower House by the honble Col Young

The House Adjourned for two Hours

Post Meridiem

The House Sate

Present

Col Young } Col Whittington }
Col Addison } Philem Lloyd Esq^r } L^t Col R^d Tilghman

U. H. J. Mr Turbutt & Mr R^d Wharfield brought up the following message—

By the Lower House of Assembly
August 4th 1716

May it please your Honours—

In answer to your Message this morning by Col Whittington about the Fines on Ordinary Licences We are of opinion that Enttring on the Debates and Controversys which We apprehend will arise on that Subject (this House not being satisfied that the right is in my Lord Baltimore) whereby this Session must necessarily continue longer than Otherwise It would be will prove a greater Inconveniency than any can happen by referring the said Fines & the right of them to the consideration of next Session And therefore pray your Honours to agree to a reference of the Consideration of them till that time.

Signed p order Tho^s Macnemara Cl ho. Del.

p. 269 Mr W^m Young and Cap^t Frisby brought up the following Message Viz.

By the Lower House of Assembly
August the 4th 1716

May It please your Honours—

As to the Amendments proposed in the Bill for securing the peace & Safety of his Lordship's Government &c. They seem to this House to be such as would give the persons thereby intended to be restrained greater Liberty than was ever intended them by former Laws of this Province Which are yet in force and We are humbly of opinion as that Act for obliging the Oath of Abjuration to be taken by Officers &c. had no such provisional Exemption as that proposed in the aforementioned Bill And yet was not construed to extend to those that are designed to be exempted by such proviso so we believe the said Act would as fully answer the design of both Houses if the s^d proposed Exemption were wholly omitted

Signed p order Tho^s Macnemara Cl Lo Ho.

The Board adjourned till nine of the Clock on Monday Morning

Monday August the 6th 1716

U. H. J.

The Upper House Sate,

Present

The Honble {	Col W ^m Coursey	Col W ^m Whittington
	L ^t Col. Sam ^l Young	Philemon Lloyd Esq ^r
	Col Tho ^s Addison	L ^t Col R ^d Tilghman

Upon reading and Consideration of the Bill for ascertaining the Gauge of Tob^o hh^{ds} & laying impositions on Tob^o &c. p. 270
Resolved that the following Amendments be proposed to the House

First that It be added to the Title of the Law by ascertaining the manner of paying his Lordships Alienation Fines & Quit rents for the term therein proposed. That in the second Folio the word (disuse) be said instead of Contempt. That a larger penalty be put on the Justice or other Officer refusing to view & examine any Tob^o hh^{ds}

That in folio 3^d the Coroner be named with other Officers in the Enacting part.

That where my Lord Baltimore is mentioned It should be said the R^t Honble the Lord Prop^r or the R^t Honble Charles Lord Baron of Baltimore

That the 12^d p hh^d to the Governour be received by the proper Officer by him to be appointed

That the last Clause of the Law intended to disburthen the several Branches of the Revenue intended to be raised by this Act from bearing any more charges than their Separate Proportions of the Sallarys for collecting be in these Words

And Be It further Enacted & declared by the Authority a^d by & with the Advice & Consent a^d that the publick Revenue of this province shall not be burthened or charged with any Sallary or Sallarys for the collecting all or any of the Dutys or Imposts herein before mentioned to be raised save only the Duty of 3^d p hh^d on tob^o exported by this Act appropriated for the purchasing Arms & Ammunition for the defence of this province which shall and is hereby intended to be received p. 271
by the several Naval Officers of the respective Ports where the same shall arise for which receiving they shall be allowed after the Rate of 8 p Cent & be & hereby are obliged to account with the publick Treasurer of this Province who shall render an Account thereof to the General Assembly when thereto required And which Treasurers for receiving accounting for and paying the s^d Duty as may be directed according to the Intentions of this Act shall have & receive the usual

U. H. J. Salary of 5 p Cent as is allowed them upon other Imposts to the Country's Use & no more

We recommend a Clause to oblige the County Clerks yearly to return to the Proprietarys Agent an Account of all Alienations in their Several Countys ex officio & under Penalty

We further communicate to your House, part of a Letter from the R^t Honb^{le} the Lord Guilford & the Lord Proprietary dated in April last Viz.

You must likewise take special Care that a Clause be put into the new intended Law obliging our Several Tenants to pay their Tob^o Rents & Alienation Fines in that County they hold their Lands in And that our said Tob^o Rents have the preference to all other Debts and be upon Execution

We find Several people alarmed at the Clause in the late Law about our Revenue relating to the security the several Masters are to find against cropping or otherwise damaging the Tob^o in their Voyage homewards And they say It will be impossible for several of the s^d Masters to find the security you will be pleased to talk with M^r Bordly & M^r Carrol on this Head & make it as unexceptionable as may be

In the said late Law where masters of Vessels are obliged to satisfy the Dutys and Impositions before the Departure of his or their Vessels There is nothing which gives them power to collect from the Ships or owners of the Tobacco their proportion which some here likewise think it ought to be in the new intended Law. We also send you M^r Carrolls Remarks on this Bill

Signed p order W Bladen Cl Up ho.

And sent with the Bill to the Lower House by L^t Col Young Col Addison & L^t Col Tilghman

Col Hoskins & Cap^t Codd brought up a Supplementary Bill to the Act for killing Wolves Crows & Squirrels.

The which being read twice by especial Order & Endorsed will Pass & sent to the Lower House by Col Whittington

Resolved the following Message be sent to the Lower House Viz.

By the Upper House of Assembly
August the 6th 1716.

Gentlemen

On Consideration of your Message on Saturday last by M^r W^m Young & Cap^t Frisby we are willing to shew our due regard to his Lordship's private Interest And therefore tho'

we have no design to give any greater Liberty than was intended by former Laws of this Province Yet we think it advisable that the Proviso or Exception in the Bill remain as now proposed and amended U. H. J.
P. 273

Signed p order W Bladen Cl Lo ho.

Sent with the Bill for the better Security of his Lordship's Government of this Province & the protestant Interest therein to the Lower House by L^t Col. Young & Philemon Lloyd Esq^r

M^r Charles Wright & M^r Pollard brought up the Bill for confirming a Conveyance of Land from Anthony Joye & Ann his Wife to John Alla of Queen Ann's County

Read in their House the first & Second times by especial Order & will pass Endorsed.

Which being read at the Board was Endorsed Will pass and sent to the Lower House by Col Coursey

M^r Tyler & four more brought up five Engrossed Bills Viz.

A Bill for transferring the payment of all such Fines & forfeitures as shall hereafter arise or happen upon the Breach of any the penal Laws of this Province to the Right Honble the Lord Proprietor

A Bill empowering the surviving Executor of the last Will & Testament of Robert Smith Esq^r late of Talbot County deceased to Sell Lands for the paym^t of his Debts & to make over other Lands according to the deceased's Will Which were sold by the deceased but never made over by him

A Bill for relief of Peter Sawell a languishing Prisoner in Calvert County

A Bill for laying the Additional Duty of four pounds Current money p poll on all Irish Servants to prevent the importing too great a number of Irish Papists in this Province & four pounds Curr^t money p poll an Additional Duty on all negros for raising a Supply towards defraying the publick Charge of this Province p. 274

A Bill for confirming & making valid in Law a Conveyance of Land made by Anthony Joye & Ann his Wife lately dec^d to Tho^s Davys & John Davys the Sons of John Davys of Queen Ann's County deceased. Read & assented to by the Lower House

Which were again Read & assented to by this Board & Col Tilghman sent to acquaint the Lower House thereof

M^r Rousby & four others brought up from the Lower House a Bill for continuance of the process within this province on

U. H. J. the Change of the Government from the Crown to the R^t Hon^{ble} the Lord Proprietary & for the Adjournment of Several County Courts from Aug^t 1716

Endorsed & Read in their House the first & second time by especial Order & will pass

Which being read in this House was Endorsed Read the first time & will pass & Sent to the Lower House by Col Addison

Col Mackall & M^r Dare brought up the following Message from the Lower House Viz.

By the Lower House of Assembly
August 6th 1716

May it please your Honours—

p. 275 This House has in Compliance with your Message on Saturday last by Col. Whittington about M^r John Broom's Petition reassumed the Consideration thereof & your Endorsement and the Question was put whether leave should be given to bring in such a Bill & Resolved in the negative by majority of Votes being of opinion that the bringing in such a Bill would be of no Service to the publick but that since he entered into that Office in February, He & all others in his Circumstances ought to be content as his Predecessor was to go out of it at the End of three years

Signed p order T Macnemara Cl Lo. Ho.

M^r Carrol being sent for came & had the Bill for ascertaining the Gauge of Tob^o hh^{ds} & ascertaining the manner of paying his Lordship's Land Rents & Alienation fines &c. delivered to him with the recommendation from this Board this day made to the Lower House & intended to be sent them with which He withdrew unto the Library Room to peruse the same

Which M^r Carrol returned & promised to give his Opinion on to morrow morning

Col Hoskins & four more brought up a Bill permitting the Inhabitants of this Province to Sue out Writts when Plaintiffs, & appear & give Judgm^t when Defendants, Endorsed Read the first & Second times & will pass.

Which being read was Endorsed as followeth Viz.

p. 276 We have read & Considered this Bill & do think that the giving Liberty to Persons to Sue out Writts in their own names will introduce many Inconveniencys such as gratifying their Revenge mislaying their Actions & consequently paying

costs of suit on being nonsuited But as to that part of the v. H. J. Bill admitting People when sued to appear in their proper Persons and Bail given if required to confess Judgment without employing an Attorney We readily agree thereto As to the last Clause obliging the Attorney not to sue for his Fee till the Cause is finished We are afraid It will occasion Attorneys who have good practice to refuse poor men's Causes unless they pay them beforehand

And was sent to the Lower House by L^t Col Tilghman.

The House Adjourns till to morrow Morning

Tuesday August 7th 1716

The Upper House Sate Present as Yesterday

Then was read at the Board a Letter from Charles Carrol Esq^r his Lordship's Agent directed to the honble his Lordships Council & dated Tuesday morning August the 7th, 1716.

May It please your Honours

I know his Lordship expects that the 15^d mentioned page the 14th shall be made payable to himself or what person he shall appoint to receive the same & agrees that 3^d thereof shall by a Clause be applied for furnishing Arms & Ammunition &c.

The Words by him appointed Page 15th interlined were better left out and thereby more respect shewed his Lordship. In the last folio but one the Clause for reshipping tob^o is very unreasonable my Lord giving up his Whole Revenue in Consideration of the Duty, He expects it without Hazard p. 277 for if his Lordship should agree to a Clause & a War should happen & a Tob^o Fleet taken his Lordship with his five Brothers & Sisters may want a Support for that year Which doubtless your House will think hard.

A Clause obliging the Clerks of the Provincial Court & the several Clerks of the respective Countys to transmitt yearly to his Lordship's Agent for the Time being a fair list of all Alienations recorded yearly in their Offices and that ex Officio & under a certain Penalty

This is what has occurred to me upon the cursory reading of the rough Draught of the Law & desiring your Honours will let me have the perusal thereof when It shall be fairly copied

I am your Honours humble Servant

Charles Carrol

U. H. J. Which was read & Sent to the Lower House with the Bill & Amendment proposed from this Board

The honble Col Holland made Report from the Committee appointed on Friday last to view & inspect in what Condition the Several Offices in the Stadt House are in for the safe keeping the several Records belonging to the same Offices

That they find all the publick Offices well fitted for the safe keeping the Records except the Chancery and Land Offices, that is to say the Chancery Office wants one Desk, Table, & two Forms & Pigeon holes in the same manner the other
p. 278 Offices are fixed And the Land Office wants more Desks in order to receive the several Records that are to be joined to the the said Office And further for the safe keeping the Records The several windows of the Stadt House ought to be well mended they being much broken as well the Shutters as the Glass And further we find a Leak on the north side the said House in the Roof just at the Stairs Head And the Several Offices or most of them want good Locks & Keys All which we refer to the Consideration of the House

Which being Considered this House do agree thereto that the s^d Offices be so fitted & the House repaired.

And Resolved that the following Message be sent to the Lower House together with the Bill for repairing & Securing the Records & Report of the Committee.

By the Upper House of Assembly
August 7th 1716.

Gentlemen

We have considered this Bill & the Report of the Committee appointed to View the Several Offices in what Condition they are to secure the Records. We agree to the Report of the Committee herewith sent you but must still insist that the Security required of the Secretary should be but one thousand pounds Sterl for the Provincial Chancery & Land Records being of Opinion that that Sum of Money will be sufficient to answer any damage may be done by that Officer before the same is discovered

Signed p order W Bladen Cl Up ho.

p. 279 Sent by Col Coursey & Col Whittington

William Bladen Naval Officer made oath to his Accounts of the 18^d & 3^d p hh^d & to his Account of the 3^d p Gallon

Col Mackall & two more brought up the following message from the Lower House Viz.

By the Lower House of Assembly
August the 7th 1716.

U. H. J.

May it please your Excell^{cy}

John Rousby Esq^r pursuant to your Excellency's Command has laid before this House his Account of 3^d p^h h^d appropriated by her late Majesty for the purchase of Arms &c for the defence of this Province which 3^d from the 9th day of November in the year 1707 to the 28th day of October 1715 amounts in the whole to £1909 5 s 9 d Sterl. Out of which we find the said John Rousby contrary to the Tenour of the Receivers Commission Granted to George Plater Esq^r by King William & Queen Mary & the End for which the s^d 3^d was designed deducts the full Receivers Sallary of £100 Sterl p Annum

We beg leave to refer your Excellency to the Entry of the said Commission granted to the said George Plater made in the Secretary's Office & to the Resolutions of the House of Delegates on the 9th November 1709 & on the 13th May 1715 & of your Excellency & your honble Council of the 14th of the same month & to the 26th Article of her late Majesty's Instructions to your Excellency

In Consideration of which It is hoped your Excellency will be of opinion that the said John Rousby's Deduction of £100 p. 280 Sallary p Annum out of the said 3^d is unwarrantable He acting pursuant to the Commission granted to M^r Plater & none other And that therefore your Excellency will order such Measures to be taken as will oblige the s^d John Rousby to account for & pay the s^d 3^d p^h h^d at least without deducting any more than its proportion of the Receiver's Sallary And we humbly pray that your Excellency will order that the money arising due by the said 3^d p^h h^d since the s^d 28th day of October 1715 be accounted for And the paym^t thereof Secured in order to be ready to answer the End It was designed for.

Signed p order Tho^s Macnemara Cl Lo Ho.

The House adjourned for two Hours

Post Meridiem

The House again Sate Present as in the forenoon

M^r Thomas Robins & three more Delegates brought up the Bill ascertaining the Gauge of Tob^o h^d &c. with the following Message

U. H. J.

By the Lower House of Assembly
August the 7th 1716

May It please your Honours

The Amendments proposed by your Honours to the Bill ascertaining the Gauge & Tare of Tob^o hh^d &c. of the 6th Instant have been read & Considered & this House agrees to the six first proposed Amendments & also approves of the last Clause you propose in the s^d intended Bill to disburthen
 p. 281 the several Branches of the Revenue intended to be raised of any more than their separate proportions Save that in Regard to the Treasurers trouble in receiving paying & Accounting for the 3^d for Arms &c. being not half what It is in other monys he receives for the publick's use It is the opinion of this House that two & an half p Cent is a sufficient Sallary for him out of the s^d three pence. This House agrees that the Clerk of the Provincial & the Several County Clerks for the future shall once yearly Viz. the Clerk of the Provincial under the penalty of ten pounds Curr^t mony & the County Clerks under the penalty of £5 Current mony Each make out an Account of all Alienations ready to be delivered the Agent of the Lord Proprietary when called for at the respective Offices. As to the part of the Right honble the Lord Propry & the Lord Guilford's Letter you were pleased to communicate to us We hope that the advancing the Additional Duty of 6^d p hh^d to my Lord Propry in full of his Land Rents & fines for Alienations removes the necessity of inserting in the intended Act the Clause in the first paragraph of that part of the said Letter that was laid before us recommended no Tob^o Debts arising to the Lord Propry for the future on account of Rents or Alienations. And as to the second paragraph of the said Letter this House hopes your Honours being very sensible of the many Abuses committed by Masters of Ships or Vessels
 p. 282 that take in Tob^o on freight will concur that limitting the Time for returning proof of Abuses from Great Brittain being formerly 7 years to 2 years will be Sufficient to Satisfy those Persons that are alarmed at that part of the said Law And that that Limitation will be an Encouragement to Persons to be bound for those who have not or shall not give room to be suspected of such Abuses as by the s^d Law is designed to be prevented And as to the last paragraph intimating that there is nothing in the Law for raising the Several Imposts on Tob^o giving power to the Masters of Vessels or Ships who before departure are obliged to pay the said Dutys to collect & receive the same from the Shippers & Owners

This House is of Opinion that the Consignee or Consignees of such Tob^o is by the Bills of Loading usually given to pay

the same to the Master on taking up the Tob° in Great Brit- u. h. j.
tain And has been charged by such Consignee these many
years past as an Article of Expence in the Sale of such tob° &
always allowed of & paid by the Consigner & without any
Clause in the Law the Master may retain the Shipped tob° 'till
that Duty be paid him

Signed p order Tho' Macnemara Cl Lo Ho.

Which being read this Board Concur therewith save only
that they think that the Treasurer's Sallary is not any recom-
pence for his Service in negotiating the Bills arising on that
Revenue in England which may lye in his Hands some years
and not be applied if not otherwise directed by this Act and p. 283
therefore We desire he might have his full Sallary and that
you will name some responsible Merch^t in England to whom
he may remitt the s^d Revenue for Arms And that It lye at the
Country's risque We also think that the Naval Officers will
Scarce get a Copy of this long Law under £200 tob°

We are likewise of Opinion that your House was mistaken
as to that part of a Paragraph of the Lord Proprietary's Letter
communicated to you relating to the paym^t of the Rents &
Alienation Fines, Wherefore we again propose it to you that
a Clause be put into this Bill obliging the Several Tenants to
make speedy payment of their Arrears of Rent & Alienation
Fines due from the Time of the Death of Charles Lord Baron
of Baltimore deceased until the Commencement of this Act
And as the most effectual means thereof It is proposed that
It be done by Way of execution

Signed p order W Bladen Cl Up ho.

Sent to the House by Philemon Lloyd Esq^r & Col Tilgh-
man who return & say they have delivered their message

M^r Turbutt & M^r Taylor brought the following message
from the Lower House Viz.

By the Lower House of Assembly
August the 7th 1716

May It please your Honours

The Report of the Committee appointed by both Houses
to View & inspect what Condition the several Offices in the p. 284
Stadt House are in for the safe keeping the several Records
belonging to the same & your Endorsment thereon of this
day is approved of And there is an order Entred on the jour-
nal of this House empowering the Commissioners appointed
for seeing the Records repaired to order the several Offices

U. H. J. to be fitted up & the several Repairs made as the said Report mentions

Signed p order Tho^t Macnemara Cl Lo. Ho.

Col Hoskins & two more brought up a Bill permitting the Inhabitants to sue in their own names &c. Whereon the Lower House insists on the first part of the Bill & are willing to retrench the latter Clause relating to Attorneys Fees which being agreed to by this House & Read the second time was Endorsed will pass & sent to the Lower House by Col Coursey.

M^r Stoddert & two more brought up a Bill for restraining the ill practices of Sherriffs on taking Goods by fieri facias & Selling them by Writts of Venditioni exponas

And also the Lower Houses Answer to the proposals about advancing the publick Creditt Sent down from this House

Major Wilson & two more brought up a Bill permitting the Inhabitants of this province to issue out Writts when Plaintiffs & appear & give Judgm^t when Defendants in the several Courts thereof in their own proper Person with the Amendments proposed which being read was Endorsed as follows

By the Upper House of Assembly
August the 7th 1716

p. 285 We agree to the Amendments proposed by your House
Signed p order W Bladen Cl Up ho.

And sent to the Lower House by Col Coursey who returned & says he has delivered his message

The Bill to restrain the ill practices of Sherriffs on taking Goods by fieri facias & Selling them by Writts of Venditioni exponas being Read at the Board was Endorsed Read the first time & will pass & was sent to the House by Col Young who returned & says he has delivered his Message

Col Mackall and three more brought up a Bill for Settling the Governm^t in Case of the Death or Absence of the Governour

Which being read at the Board was Endorsed.

Read the first time and will pass.

W Bladen Cl Up ho.

And Sent to the Lower House by Col Tilghman Who returns & says he has delivered his message

M^r Tyler and two more brought up from the Lower House U. H. J.
the Bill for ascertaining the Gauge & Tare of Tob^o hh^{da} &
laying an Imposition &c

And the following message from the Lower House

By the Lower House of Assembly
August the 7th 1716

May It please your Honours

Your Endorsement of this day on this Bill by Philemon
Lloyd Esq^r being read this House rather than give any greater
Salary than 2 & $\frac{1}{2}$ p Cent to the Treasurer Who runs no p. 286
manner of risque & undergoes little or no trouble in negotiat-
ing the money chooses to let the same be under the negotiation
of the Naval Officers who receive it to be by them remitted
into the Hands of Cap^t Hyde at the Country's Risque And
therefore are desirous in Case any more than 2 & $\frac{1}{2}$ p Cent
be required the Clause relating to the payment of the Trea-
surer should be wholly left out. The House is further of
opinion that the Allowance of £ 100 tob^o is sufficient to
procure a Copy of the Law And as to that part of it relating
to our mistake in the Paragraph of part of his Lordship &
the Lord Guilfords Letter this House cannot agree to put
those Rents on Execution being a thing never heretofore
used or desired by the Right Honble the Lord Proprietarys
Ancestors & the Rents being inherent to the Land are other-
wise well Secured

Signed p order Tho^s Macnemara Cl Lo Ho.

Which being read at the Board with the Endorsment thereon
was sent back to the Lower House by Philemon Lloyd Esq^r &
L^t Col Tilghman with the following Message Viz.

By the Upper House of Assembly
August the 7th 1716.

p. 287

Gentlemen—

As to that part of your message by M^r Tyler & two more
of your House which relates to the Salary of the Treasurers
of this Province our Board do concur with you therein the
present Treasurer being willing to accept of the two & an
half p Cent provided the Bills be lodged in Cap^t Hyde's
Hands at the publick Risque as is by you proposed.

As to the other part of your Message which relates to his
Lordship's Rents &c We shall insist no further on it. We
having complied with our Duty in pressing on you his Lord-
ship's Directions to his Excellency the Governour in that Affair

Signed p order W Bladen Cl Up ho.

U. H. J. Philemon Lloyd Esq^r & Col Tilghman return & say they have delivered their Message

M^r Tyler & four more brought up the Engrossed Bill for settling the Administration of the Government of this Province in Case of the Death or Absence of his Lordship's Governour for the Time Being untill his Lordship's pleasure shall be further known therein

Which being read & assented to by the Lower House was also Read & assented to by the Upper House And the honble Sent to the Lower House to acquaint them this House have assented to the said Bill

This House Adjourns till nine of the Clock to Morrow Morning

Wednesday August the 8th 1716

The House Sate Present as yesterday save Col Whittington Resolved the following Message be sent to the Lower House

By the Upper House of Assembly
August the 8th 1716

p. 288 Gentlemen—

In answer to your Messages relating to Col Lloyds Allowance as a Councillour whilst He was President & also to your Message yesterday relating to M^r Rousby's Demand on the Revenue We acquaint you that his Excellency being now very much indisposed And our House very thin by the Sickness & Absence of Several of our members We desire you will refer those matters to the next Session

Signed p order W Bladen Cl Up ho.

Sent by the honble Col Addison

Cap^t Mariartee & two more brought up three Engrossed Bills Viz.

A Bill for continuance of the process within this Province from the Change of the Governm^t from the Crown to the Right Honble the Lord Proprietary & for the Adjournment of several County Courts from August 1716

A Supplementary Bill to the Act for killing Wolves Crows & Squirrels

And a Bill for confirming & making valid in Law a Conveyance of Land made by Anthony Ivey & Ann his Wife lately dec^d to Rich^d Moore & Edith his Wife of Queen Ann's County

Assented to by the Lower House which were assented to by this House & the honble L^t Col Tilghman sent to acquaint the Lower House thereof

By the Upper House of Assembly
August the 8th 1716

U. H. J.

Ordered that the Sheriff of Ann Arundel County take into ^{p. 289}
his Custody the Body of Dominick Martin Serving man &
bring him before this House to answer his Contempt of a cer-
tain order of this House whereof he may not faile

Signed p order W Bladen Cl Up ho.

The s^d Dominick Martin appearing in the Custody of M^r
George Valentine excused himself saying he did not know
but that M^r Valentine jested with him He having been out of
Town for four days & just then returned

He was told he knew M^r Valentine to have been an Officer
& ought not to have treated him so And therefore ordered
that the said Martin upon his Knees at the Bar of this House
ask pardon after which to be released paying his Fees

And accordingly the s^d Dominick Martin did ask the par-
don of this House & was ordered to be released paying a
reasonable Fee to the s^d George Valentine Serjeant at Arms
for this turn

The House Adjourns for two Hours

Post Meridiem

The House Sate Present as in the Forenoon

And It being considered that there is a competent Sum of
Money now in Bank for purchasing Arms & Ammunition &
for preservation of the same Resolved that the following
Message be sent to the Lower House Viz.

By the Upper House of Assembly
August the 8th 1716

Whereas there is now a considerable Sum of Money in the
Receivers Hands appropriated to purchasing Arms & Ammu- ^{p. 290}
nition for the better Security & defence of this Province And
for that It is highly necessary the said Arms & Ammunition
should be well preserved in good order & Condition fit for
the Service of this Province on any emergent Occasion re-
quiring the Same We propose to you that an handsome
House be built for the Lodging & Securing the publick
Magazine of Arms in this City & also that part of the
Ammunition consisting of Ball Lead Match & Flints & all
other materialls of that nature except Powder may be
Secured And that the said House be so contrived that
It may Serve likewise for a Council Room & to receive

U. H. J. the Country and Strangers that may resort to his Excellency the Governour on any publick occasions, And that the Charge of the said Building be defrayed out of the Revenue of 3^d p hh^d on Tob^o exported appropriated for Arms & Ammunition not exceeding such reasonable Sum as may be thought convenient

Signed p order W Bladen Cl Up ho.

Sent to the Lower House by Col Coursey Col Young Col Addison & Col Tilghman

M^r Mariartee & three more brought up a Bill for confirming his Lordship's Acceptance of the 18^d p hh^d formerly raised Endorsed by the Lower House Read the first & second times by special Order & will pass which was again Endorsed by this House Read the first time & passed & sent to the Lower House by M^r Lloyd

p. 291 M^r Tyler & three more brought up four engrossed Bills assented to by their House

A Bill to make valid in Law a Sale of Land made by Joseph Bridger Esq^r late of the Colony of Virginia to Thomas Jones late of Somerset County dec^d

A Bill for confirming & making Valid in Law a Conveyance of Land made by Anthony Ivey & Ann his Wife lately deceased to John Alla of Queen Ann's County

A Bill for confirming three small Tracts of Land lying in Ann Arundell County to Susannah Johnson her Heirs & Assignes forever.

A Bill ascertaining the Gauge & Tare of Tob^o hh^d & to prevent the cropping cutting & defacing Tob^o taken on Board Ships or Vessels upon freight And laying an Imposition on Tob^o p the hh^d for the Support of Governm^t & for the Encouraging Settlements in this province by ascertaining the Manner of paying his Lordships Alienation Fines & Quitt Rents for the Term therein proposed & for the taking off the 3^d p hh^d formerly raised for the publick Charge

Which were read & assented to by this House And M^r Philemon Lloyd sent to acquaint the Lower House thereof

Col Scott & M^r Waughop brought up a Bill repealing the Act against Striking of Fish

Endorsed by the Lower House Read the first & second times by especial Order & will pass

p. 292 Which being again Read in this House the first Time was so Endorsed Passed and sent to the Lower House by M^r Lloyd

M^r Tyler & four more brought up the following Message U. H. J.
from the Lower House Viz.

By the Lower House of Assembly
August the 8th 1716

May It please your Honours

This House very well approves of your Proposal for building an Handsome House for lodging & Securing the publick Magazine of Arms &c. in this City brought from the Upper House this Afternoon by the honble Col Coursey & three others of the Upper House and in order to settle the manner of Effecting the same desire some of the honble Members of the Upper House will confer with M^r Tyler Col Mackall M^r Stoddert M^r James Lloyd Col Haskins & L^t Col Edward Scott of this House about the same and that your Honours will appoint the Time & place

Signed p order Tho. Macnemara Cl Lo ho.

On Consideration whereof Resolved the said Conference is agreed to & that the honble Lt Col Young M^r Philemon Lloyd & Lt Col R^d Tilghman be appointed on that Conference & the following message sent to the House by Col Coursey Viz.

By the Upper House of Assembly
August the 8th 1716

We agree to the Conference proposed about an House to be built for securing the publick Arms &c. And have appointed the honble Col Young M^r Philemon Lloyd & L^t Col R^d Tilghman to confer with your members thereupon this Evening at M^r Dodds. p. 293

Signed p order W Bladen Cl Up ho.

Who returned & says he has delived his Message

M^r Hill & two more brought up the Journal of the Committee of Accounts

The House Adjourned till nine of the Clock to morrow morning

Thursday August 9th 1716

The Upper House Sate Present as Yesterday

Lt Col Scott & three more brought up four Engrossed Bills Viz.

A Bill repealing an Act Entituled an Act against Striking sundry Sorts of Fish within the Precincts of this Province

U. H. J. A Bill permitting the Inhabitants of this Province to sue out Writts when Plaintiffs & appear & give Judgment when Defendants in the Several Courts thereof in their own proper Persons

p. 294 A Bill to restrain the ill practices Used by Sheriffs in taking Goods by Fieri facias & selling them by Venditioni exponas

A Bill repairing the Damages already sustained in the Records of the Land Secretary's Commissarys & County Court Offices and for the Security of the same Records for the Future Assented to by the Lower House Which were Read & assented to by this House And the honble Col Thomas Addison Sent to acquaint the Lower House thereof

M^r Rousby & M^r Mariartee brought up an Engrossed Bill directing the manner of Electing & Summoning Delegates & Representatives to Serve in succeeding Assemblys & for the ascertaining the Expences of Councillours Delegates of Assembly & Commissioners of the Provincial & County Courts of this Province

Assented to by the Lower House Which was Read & assented to by this House and M^r Philemon Lloyd sent to acquaint the Lower House thereof

M^r Tyler & Major Hawkins brought up the Report of the Conference about Building a Magazine to secure the Arms & Ammunition &c^a

Which being read with the Lower Houses Endorsement thereon is approved of by this House

Ordered the Clerk of this House take the same Fees in private Bills as are allowed this Session to the Clerk of the Lower House

Col Makall & M^r John Brannock brought up two Engrossed Bills assented to by their House Viz.

p. 295 A Bill to confirm his Lordship's Acceptance of the 18^d p^p h^h^d formerly raised

A Bill for the better security of the peace & Safety of his Lordship's Government and the Protestant Interest within this Province

Assented to by the Lower House which being again Read in this House were assented to & the honble Col W^m Coursey sent to acquaint the Lower House thereof

The Journal of the Committee of Accounts being read & some mistakes being observed therein Resolved the following Message be sent to the Lower House by Col Addison Viz.

By the Upper House of Assembly
August 9th, 1716

U. H. J.

The Journalls of the Committee of Accompts being read at this Board It is observed there is a mistake in the Councillours Sallary to the honble Col Coursey He being only allowed in tob^o for seven days instead of seventeen There is likewise a mistake in L^t Col Tilghman's Sallary being over-charged 480^{lb} tob^o

We also observe there is no Rent allowed for the Governour's House the last year nor for two small Arms Houses

Signed p order W Bladen Cl Up ho.

The House adjourned for two Hours.

Post Meridiem

The House Sate Present as in the morning

Resolved the following message be sent to the Lower p. 296
House Viz.

By the Upper House of Assembly
August the 9, 1716

Gentlemen

We approve of the Report from the Conference about building a Magazine House to secure the publick Arms &c. and your Concurrence therewith save only that you proposed it to be built on the north East of the Stadt House Which being uneven ground & his Excellency the Governour in so ill a State of Health that he cannot now view & approve the Scituation We desire you will concur with us that that matter be also left to his Excell^{ty}'s discretion to direct the placing of it convenient to the Court House

Signed p order W Bladen Cl Up Ho.

Sent by Colonel Tilghman Col Scott & two more brought up the Journal of the Committee of Accompts rectified

Cap^t Codd and M^r Hanson brought up the following message from the Lower House Viz.

By the Lower House of Assembly
August 9th 1716

May it please your Honours

Your Endorsement on the Report from the Conferees about a Magazine for Arms &c has been read And this House

U. H. J. agrees that his Excellency may appoint the place for Building of it

Signed p order Tho^r Macnemara Cl Lo. Ho.

Cap^t Mariartee M^r Hill & M^r Fendall brought up a Bill
p. 297 empowering a Committee to lay assess & apportion the publick Levy of this present year 1716 Endorsed Read by the Lower House the first & second times by special Order & will pass

Which being read twice at this Board by especial Order Endorsed will pass And Sent to the Lower House by Col Coursey

A Letter from M^r Carrol to his Excellency the Governour dated this day as followeth

Aug^t 9th 1716

May It please your Excellency

The last Ships bound home for England are Speedily to Sail by which the Lord Proprietary will in reason expect Remittances to be made him of his last years Revenue Viz the 2th & 9^d p^r h^h^d deducting thereout £1000 for your Excellency's Sallary This I shewed you in my Instructions which I doubt not you knew before from M^r Bordley I therefore desire you will please to give orders to the Several Officers in whose hands that Revenue is placed to account with & pay me the same to his Lordships Use. For a very small Delay in this matter will be a very great prejudice to his Lordship because thereby he will fail of it this year which I hope your Excellency will think fit to prevent

I most humbly recommend to your Excellency that Caution be used in assenting to some Laws which I understand are prepared And whereby his Lordships Interest will evidently suffer detriment without a Salvo at least of their not taking
p. 298 Effect till his Lordship's pleasure be known that his Lordship may have time if his Lordship shall think it proper to square his proceedings to the Tenour of such Laws

I am your Excellencys most humble Serv^t

Charles Carrol.

And his Excellency's Letter to the Upper & Lower Houses of Assembly thereupon being read at the Board Resolved that the s^d Letters be sent to the Lower House And that they be desired to appoint some of their members to join with some of our House to give an answer thereto And that you will appoint the Time & place of Conference

And thereupon the following Message was sent to the U. H. J.
Lower House Viz.

By the Upper House of Assembly
August the 9th 1716

Gentlemen

We herewith send you a Letter from his Excellency the Governour directed to the Upper & Lower Houses of this Assembly on the Occasion of another Letter wrote him by M^r Charles Carrol this Day & desire you will appoint some of your members to join with some of our House to give an Answer thereto And that you will assign the Time & place of Conference

Signed p order W Bladen Cl Up Ho.

Col Hynson & two more brought up an Engrossed Bill impowering a Committee to lay assess & apportion the publick Levy this present year 1716 Assented to by the Lower House ^{p. 299} which was again read & Assented to by this House And the honble Col Coursey sent to acquaint the Lower House thereof

M^r Tyler & three more brought the following message from the Lower House Viz.

By the Lower House of Assembly
August the 9th 1716

May it please your Honours

Your message of this Day together with his Excellency's Letter to both Houses on M^r Carroll's Letter to him were read And this House has appointed M^r Tyler Col Mackall M^r Bordley M^r Rousby M^r Stoddert & Col Hoskins to join some of your Honours in a Conference on that Subject & are ready to attend at M^r John Dodds immediately

Signed p order Tho^s Macnemara Cl Lo Ho.

Resolved that the honble Col Coursey Col Addison & M^r Lloyd join the Gentlemen appointed by the House to confer on those Letters & make Answer thereto.

The House Adjourned till to morrow morning nine of the Clock

Friday August the 10th 1716

The House Sate Present as Yesterday

M^r Tyler & two more brought up the Report of the Conference on M^r Carroll's Letter to his Excellency the Governour Viz.

U. H. J. Maryland ss.

p. 300 A Conference appointed by the Upper & Lower Houses of this present General Assembly on Thursday the 9th of August 1716 Are

The honble { Col W^m Coursey
Col Tho^s Addison
Philemon Lloyd Esq^r } of the Upper House

And

M^r Robert Tyler M^r Jn^o Rousby
Col Jn^o Mackall M^r Ja^s Stoddert } of the Lower House
M^r Tho^s Bordley Phil Hoskins

Who make Choice of Col W^m Coursey to be their Chairman and John Beale their Clerk

Whereupon M^r Chairman produced to the Conferees the following Letter Viz.

May It please your Excellency

The last Ships bound home for England are speedily to Sail by which the Lord Proprietary will in reason expect Remittances to be made him of his last Years Revenue Viz. the 2th & 9^d p^{er} hh^d deducting thereout a thousand pounds for your Excellency's Sallary This I shewed you in my Instructions which I doubt not you knew before by M^r Bordley I therefore desire you will please to give Orders to the several Officers in whose Hands that Revenue is placed to account with & pay the same to me for his Lordship's Use, for a very small delay in this matter will be a very great Prejudice to his Ldp because thereby he will fail of it this year which I hope your Excellency will think fit to prevent

p. 301 I most humbly recommend to your Excellency that Caution be used in assenting to some Laws which I understand are prepared and whereby his Lordships Interest will so evidently suffer detriment without a Salvo at least of their not taking Effect till his Lordship's pleasure be known that his Lordship may have time if he shall think it proper to square his Proceedings to the Tenour of such Laws I am

Your Excellency's very humble Servant

Charles Carrol.

Which being by his Excellency the Governour recommended to both Houses of Assembly for their opinion thereon It is humbly the opinion of these Conferees

First That His Lordship having signified to this General U. H. J.
Assembly his Acceptation of the 18^d p Hh^d on Consideration
of his Lordship's taking the Quitt Rents in Tob^o at 2^d p Lb.
which is now passing into a Law the s^d M^r Carroll or others
legally qualified by his Lordship to receive the same may be
paid it by the Officers in whose Hands It is lodged which
paym^t will be confirmed by that Law when passed

But as to the 15^d p hh^d residue of the 2th & 9^d It appears
to these Conferees that Sum was raised to his Majesty for the
support of Governm^t of this Province & by her late Majesty
as well as his present Majestys Instructions 3^d p hh^d of that
Sum has always been applied to the purchasing Arms and
Ammunition &c. And the rest of the support of the Governor
for the Time being actually residing here And on Consider- P. 302
ation of such Application the Legislature of this Province has
always been the more ready to raise that Sum always intend-
ing it should be so applyed And therefore We hope his
Lordship never intended contrary to the End It was raised
and to the Instructions from the Crown to receive any part of
that mony himself It seeming probable if he had so designed
He would have employed some other Person than M^r Carrol
to receive it Unless M^r Carrol had promised his Lordship to
take the Oaths to the Government Which that money was
raised to Support without which by the Laws of this province
in force for many years past He could not be qualified for
such Service And therefore It is the opinion of these Conferees
that the publick Welfare of this Province is so far interested
& Concerned in the due Application of that impost for the
Honour & better security & Governm^t of the People as well
as the Defence thereof that no part thereof ought to be given
up especially into the Hands of M^r Carrol or any other
person disaffected to his Majesty's Governm^t or the Protestant
Interest

M^r Carrols recommending to his Excellency that Caution
should be used in assenting to some Laws seems to these
Conferees an unintelligible Direction designed on purpose by
him only to disturb his Excellency in that weak Condition of
Health he is in or for some other Secret Ends which M^r Carrol
ought to explain

He says Caution is to be used in assenting to some Laws P. 303
but says not which and seems to take it for granted Caution
is not used in any

M^r Carrol seems not very kind to his Lordship in being
privy to a proceeding that may be to his Lordship's Detri-
ment without detecting it that It may be now prevented by
the Legislature

U. H. J. We must believe if M^r Carroll's Caution was a friendly one He would have rendered it more Effectual by explaining It. But as It is, It rather seems to be a general Threat from passing any Laws or if any should be passed yet they should not take Effect.

It is humbly the opinion of these Conferees that M^r Carrol has used a very indecent Way & Freedom with his Excellency in assuming to himself the Liberty of directing him in so general a manner A Freedom We have never heard before used by any Subject to a Governour

And It is humbly the Opinion of these Conferees that M^r Carrol is guilty therein of great Arrogance unless He has some superior Authority. If he has It ought to be made publick

Signed p order John Beale Cl Confer^{ce} -

With the Lower Houses Approbation thereof and desire that this House would concur therewith

Whereupon this House do not only concur therewith but recommend it to the Lower House that the said M^r Carrol be sent for before them and unless He shews sufficient power to justify such his arrogant Proceedings that they will shew their just Resentment by reprimanding him after such manner as they shall think fitt.

Whereupon the following Message was sent to the Lower House by Col Addison

By the Upper House of Assembly
August the 10th 1716

Gentlemen

This House do not only approve of the Report from the Conference had upon M^r Carrols Letter to his Excellency yesterday and concur with your House therein but recommend it to your House that the said M^r Carrol be sent for before you And that you will shew your just Resentm^t by reprimanding him after such manner as you shall think fitt

Signed p order W Bladen Cl Up Ho.

The Journal of the Committee of Accompts read & assented to by this House and Sent to the Lower House by Col Coursey

His Excell the Governour came and took his Chair in the House

The following Resolve of the Lower House being read at this Board Viz.

By the Lower House of Assembly
August the 4th 1716

U. H. J.

Resolved that if his Excellency John Hart Esq^r Governour of this Province shall at any time hereafter be obliged by Law to pay or make Satisfaction to the Right honble the Lord Proprietary for the Sallary of 8℥ p Cent deducted by the several Naval Officers that collect the Duty of 18^d p hh^d out of that Duty that he shall be reimbursed the same with the Law Charges out of the publick Fund of this Province p. 305

Signed p order Tho^s Macnemara Cl Lo ho.

And this House considering that his Ldship the now Lord Proprietary is a minor And that his Agent in Great Brittain as well as his Agent in this Province are such Gentlemen as have given signal Marks of their Disingenuity Resolved that this House do concur with the af^d Vote of the Lower House that in Case his Excellency the Governour shall at any time hereafter be obliged by Law to make Satisfaction to the Right honourable the Lord Proprietary for the s^d Sallary of 8℥ p Cent deducted by the several Naval Officers that Collected the Duty of 18 p hh^d out of that Duty that He shall be reimbursed the same with the Law Charges out of the publick Fund of this Province

It being represented that notwithstanding the Governour and his Majestys Council of this Province have made an Order that the antient fee of 480lb tob^o should be by the respective County Courts paid unto the Keeper of the Great Seal for the Seal to every Copy of Laws made each Session and sent to the County Courts yet that most of the Justices of the several County Courts had refused to make such Allowance for the Seal.

Resolved the following Message be sent to the Lower House Viz.

By the Upper House of Assembly
August the 10th 1716

p. 306

Gentlemen

We inform you that notwithstanding the Act of Assembly for Limitation of Officers fees impowers the Governour and Council to Settle any Officer's Fees not sufficiently provided for by that Law And that the Governour & his Majesty's Council had in pursuance thereof taken Care to Settle the Antient fee of 480lb tob^o to the Keeper of the Great Seal for the affixing the Seal to the Copy of Laws made Each Session and sent to the County Courts omitted in that Law yet the Justices of Several of the County Courts have refused to make

U. H. J. Allowance thereof Which we desire may be provided for by an Ordinance this Session and also that Care may be now taken to make a Sufficient Allowance to the Keeper of the Great Seal for transcribing the Laws made this Session

Signed p order W Bladen Cl Up ho.

Sent by Col Addison Col Lloyd & L^t Col Tilghman

Advised and Resolved that the Assembly be prorogued till the tenth of October next

M^r Bordley M^r James Lloyd & M^r Tasker brought up the following message Viz.

By the Lower House of Assembly

Aug^r 10, 1716

May it please your Honours,

In compliance with your Message of this day by the honble Col Addison & two others of the Upper House this House
 p. 307 has made an Ordinance for the payment of 480^{lb} tob^o to the Keeper of the Great Seal for affixing It to a Body of all Laws made at any one Session and that the said Keeper be allowed 1000^{lb} tob^o by the several Countys of this Province for transcribing & sending them a Copy of all the Laws made this Sessions and 1000^{lb} tob^o for a Body for the Provincial Court by the Publick

Signed p order Tho^r Macnemara Cl Lo Ho.

Which being read, this House Concur therewith

The said Gentlemen acquaint his Excellency their House have nothing more before them

The honble Col Holland Col Coursey & Col Young were ordered by his Excellency to go down to the Lower House and acquaint them that his Excellency required M^r Speaker & the members of that House immediately to attend him in the Council Chamber to see the Bills passed this Sessions assented to

The s^d Gentlemen return & say they have delivered their Message

The Speaker and Members of the Lower House came up to the Council Chamber & saw his Excellency the Governour on the Right honble the Lord Proprietary's Behalf Assent to Sign & Seal with his Lordship's Great Seal of this Province the following Acts of Assembly Viz.

An Act for transferring the paym^t of all such Fines and Forfeitures as shall hereafter arise or happen upon the Breach

of any of the penal Laws of this Province to the Right honourable the Lord Proprietor. U. H. J.
p. 308

2nd An Act directing the Manner of Electing & summoning Delegates and Representatives to Serve in succeeding Assemblies and for ascertaining the Expences of the Councillours Delegates of Assembly Commissioners of the Provincial & County Courts of this Province

3^d An Act empowering the Surviving Exec^r of Robert Smith Esq^r to sell Lands for payment of the Debts of the deceased &c.

4th An Act for the Relief of Peter Sewell

5th An Act laying an additional duty of 4 pounds Curr^t mony p poll on Irish Servants & negros

6th An Act confirming a Sale of Lands made by Anthony Joye & Ann his Wife to Tho^r & John Davis

7th An Act for the settling the Administration of the Governm^t of this province in Case of the death or absence of his Lordship's Governour for the Time being until his Lordships pleasure shall be known therein

8th An Act for the Continuing the process within this Province on the Change of the Government from the Crown to the right honourable the Lord Proprietary & for the Adjournments of several County Courts from August 1716

9. A supplementary Act to the Act for killing Wolves Crows & Squirrels.

10th An Act for making valid a Conveyance of Land from Anthony Jvyne & Ann his wife to Richard Moore and Edith his Wife p. 309

11th An Act ascertaining the Gauge & Tare of Tob^o Hh^{ds} and to prevent the cropping cutting & defacing tob^o taken on Board Ships or Vessels upon Freight and laying an imposition on Tob^o p the Hh^d for the support of Government & for the Encouragem^t of Settlements in this Province by ascertaining the manner of paying his Lordships alienation fines and Quitt Rents for the Term therein proposed & for the taking off the 3^d p hh^d formerly raised for the publick Charge.

12. An Act for making Valid a Conveyance of Land from Anthony Jvyne & Ann his Wife to John Alla.

13. An Act for making valid a Sale of Lands made by Joseph Bridger Esq^r of the Colony of Virginia to Tho^r Jones deceased

14. An Act confirming Lands to Susannah Johnson &c.

15. An Act repealing an Act against striking sundry Sorts of Fish within this province

16. An Act permitting the Inhabitants of this Province to

U. H. J. sue out Writts when Plaintiffs & appear & give Judgm^t when Defendants in the several Courts thereof in their own proper Persons

17. An Act to restrain the ill practices used by Sheriffs in taking Goods by fieri facias & selling them by Venditioni exponas

p. 310 18. An Act for repairing the Damages already sustained in the Records of the Land Secretary's Commissary's and County Court Offices & for Security of the same Records for the future

19. An Act for the better security of the peace and Safety of his Lordships Governm^t & the Protest^t Interest within this Province

20. An Act to confirm his Lordship's Acceptance of the 18^d p^p hh^d formerly raised

21. An Act for laying the Levy this present year 1716.

His Excellency told the members of his Lordship's Council & the Delegates that he had been ill used & insulted in his Sickness & such barbarous Treatment he could not easily forgett

And prorogued them till the tenth of October next by which time he said he hoped to hear from England in Answer to his Letters.

After which he cautioned the Delegates not to come to Town on the 10th of October next unless they were sent for, for that they [The rest of the text is missing].

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis, July 17 to Aug. 10, 1716.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN HART,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

Maryland ss.

Att a Sessions of Assembly by Prorogation from the 24th L. H. J.
of April last held at the City of Annapolis in Annarundell ^{p. 142}
County on Tuesday the 17th day of July in the year of the
Dominion of the Right Honourable Charles absolute Lord
and Proprietary of the Provinces of Maryland and Avalon
Lord Baron of Baltemore over this his Province of Maryland
appeared in the Lower House of the Generall Assembly of
the said Province

The Honourable Co^l Mathew Tilghman Ward, Speaker.

St Marys County

Cap^t Henry Per. Jowles
M^r John Baker
M^r Thomas Waghop

Baltemore County

Cap^t James Maxwell
Cap^t ffrancis Dallahide
Cap^t Richard Colegate
M^r Peter Bond

Kent County

Maj^r James Harris
Cap^t S^t Leger Codd
L^t Col Edw^d Scott
Col Nath^l Hynson

Charles County

Col Philip Hoskins
Cap^t Thomas Dent
Cap^t John Fendall
M^r Samuel Hanson

Annarundell County

M^r Joseph Hill
Cap^t Daniel Mariarte
M^r Alexander Warfield
M^r Richard Warfield

Talbott County

M^r James Lloyd
M^r Thomas Robbins

City of Annapolis

M^r Thomas Bordley
M^r Benj^a Tasker

Somerset County

M^r Samuella Hopkins
M^r Tho^s Dashield
M^r John Purnell
M^r Will^m Whittington Jun^r

Calvert County

Col John Mackall
John Rousby Esq^r
M^r Will^m Young.

Dorchester County

M^r Brannock
M^r Peter Taylor
M^r Tobias Pollard
M^r John Meakins

L. H. J

Cecill County

M^r Matt: Vanderheyden
Col Eph: Aug: Herman
Co^l John Ward
Cap^t James Frisby

Prince Geo: County

M^r Robert Tyler
Maj^r Josiah Wilson
M^r James Stoddert

Queen Anns County

M^r Charles Wright
Maj^r John Hawkins
M^r Edward Wright
M^r Will^m Turbutt

The House being called over M^r Dare and M^r Emberson's absence is Excused by reason of their Sickness and then ordered that M^r Tyler, Col Mackall, and John Rousby Esq^r goe and acquaint His Excellency that a Sufficient number of the Delegates to make a house is Convened.

They return & say they acquainted his Ex^{ncy} thereof.

Co^l Holland, and L^t Co^l Samuel Young from the Upper house acquaint M^r Speaker that his Ex^{ncy} requires him with the lower house to attend him Immediately in the Upper house.

Then M^r Speaker with the house went to attend his Ex^{ncy} accordingly and afterwards M^r Speaker with the rest of the members returned, and M^r Speaker resuming the chair Reported that his Ex^{ncy} was pleased to speak the following words.

p. 143 I must desire you take into your Consideration what I deliver to you on your last meeting from which time you were prorogued, at your own request, for two reasons, the one that it was then reported the Crown was takeing into its hands all the proprietarie Governments which is now layd a side, And the other that the Lord Propy was dead, which has proved groundless he being still liveing. And now haveing no Instructions To the Contrary I know no reason why you should not proceed, upon what was then delivered to you, at your last meeting

Ordered That Co^l Mackall, Co^l Scott, and Cap^t Mariarte goe with Cap^t Colegate M^r Pollard, M^r Meakins M^r Thomas Dashield M^r Samuel Hopkins M^r John Purnell M^r W^m Whittington Junior & Maj^r Willson to the Up^r house to see them Qualified by takeing the oath's &c^a

They return and say they seen them duely Qualified.

Resolved that the house meet at 8 of the Clock in the morning and Sitt till 11, and meet at 1 in the aft^r noon, and Sitt till 5 every day dureing this Session.

The house adjourns till to morrow morning 8 a Clock

Die Mercurij 18^o die July 1716

L. H. J.

The House mett according to Adjournment.

His Ex^{cy}s Speech on the 24th day of Aprill last was read.
Cap^t Henry Perr. Jowles appeared this day in the house

The House proceeded to appoint Comittees (Viz) Co-
mittee of Elections, Co^l John Mackall, Maj^r Willson, M^r John
Baker, John Rousby Esq^r M^r James Loyd

Comittee of Laws Co^l John Mackall M^r Thomas Robins
M^r Thomas Bordley Cap^t Rich^d Colegate M^r James Stoddart
Maj^r James Harris.

Comittee of Aggrievances M^r Tyler Cap^t Mariarte, Capt
Thomas Dent, M^r Charles Wright Co^l Nathaniel Hynson.

Comittee of accounts M^r Joseph Hill, Cap^t Trueman Green-
field, Col Edward Scott, Maj^r Bradford, Cap^t S^t Leger Codd.

The House adjourns till 1 in the afternoon

Wednesday in the afternoon

The house then mett according to adjournment

Ordered that the Committee of Laws prepare an Answer to
his Ex^{cy}s Speech and report the same in a Convenient time.

The Peticōn of the Inhabitants of Elk north east & Susque-
hannah Rivers in Cecill County complaining of an undue
Election was read & referred to the Committee of Elections &c:
To Examine the truth of the allegations and report thereon to
the house.

The Petition of the free holders of Kent County Complain-
ing of an undue Election was also read, and referred as above
to the said Committee of Elections

The Petition of Rich^d Ledger of Prince George County
praying an allowance for his horse that dyed in removeing
Arms from Annapolis to Prince George's County in order to
oppose the Indians that threatned the outward Plantations
was read, and on motion made the Question was put whether
any allowance shall be made him by the Publick therefore or
not. Resolved in the affirmative. Ordered the Committee p. 144
of accounts make him such allowance as on Information given
them of the value of the horse they think proper.

The Petition of Francis Dallahyde and Abraham Tayler
referred from the 28th April 1715 to this Session was read,
and it appearing that Jonathan Massey & his wife the only
persons known to be interested had notice given them of the
said Petition and the prayer thereof by Co^l James Maxwell,
and that they declared they would not appear to contest the
same in this house,

L. H. J. Ordered that leave be given to bring in a Bill as prayed.

Ordered That Cap^t James ffrisby and M^r W^m Turbutt in the name of this house return thanks to the Reverend M^r Sam^l Skippon for the Excellent Sermon he this day preached before the General Assembly and desire that he will be pleased to accept of a present of 5^{lb} to be pay^d him in the publick levy.

They Return and say they gave the thanks of the house to M^r Skippon accordingly and that the said M^r Skippon very gratefully Exprest himself for so great a favor done by the house, And returned the house his thanks.

The House adjourns till 8 a Clock to Morrow morning

Die Jovis 19^o July 1716^{mo}

The house mett again and being called over were present as yesterday

The Peticōn of Renatus Smith Surviveing Ex^r of Robert Smith Esq^r deceased praying leave to bring in a bill Empowering him to sell land for payment of the Testators debts and Convey land agreed to be sold by the Testator in his life time, was read and the same is referred to the Cōmittee of accounts before whom the Petitioner is to make good the allegations of his Petition and they are to report thereon

The Peticōn of Jn^o Alla, Rich^d Moore and Edith his wife W^m Tippin and Anne his wife praying leave to bring in a bill to Supply a defect in Conveying them land by Anthony Ivy and wife being read and Renatus Smith Guardian to the heir at Law of the heiress of Rob^t Smith Esq^r being called to the Barr, and asked what he could object ag^t the prayer of the said Petition confessed the allegations to be true therefore.

Ordered leave be given to bring in a bill as Prayed.

Co^l Mackall from the Committee of Elections delivers M^r Speaker the following Report, which was ordered to be Entred.

By the Committee of Elections and Priviledges
July the 19th 1716

Wee find upon due Examination of the writt of Election and Indentures for S^t Marys that the Delegates in the said Indentures mentioned (To witt) Cap^t Tho^s Trueman Greenfield, Cap^t Henry Peregrine Jowles, M^r John Baker and M^r Thomas Waghop are duely Elected according to law.

Wee also find upon due Examination of the writt of Election & Indentures for Charles County, that the delegates in

the said Indentures mentioned (To Witt) Col Philip Hoskins, L H. J
Cap^t Tho^s Dent, Cap^t John ffendall and M^r Sam^l Hanson are
duely Elected according to law.

Wee also find upon due Examination of the writ of Election P. 145
& Indentures for Prince Georges County that the delegates
in the said Indentures mentioned (To Witt) M^r Robert Tyler,
Maj^r Josiah Willson, M^r James Stoddert & Maj^r John Brad-
ford are duely Elected according to law.

Wee also find upon due Examination of the writ of Election
& Indentures for Baltemore County that the delegates in the
said Indentures mentioned (To Witt) Cap^t James Maxwell,
Cap^t Rich^d Colegate M^r ffancis Dallahyde, and M^r Peter Bond
are duely Elected according to law.

Wee also find upon due Examination of the writ of Election
& Indentures for Calvert County, that the delegates in the
said Indentures mentioned To witt Co^l John Maxwell, Jn^r
Rousby Esq^r M^r Nathan^l Dare & M^r W^m Young are duely
Elected according To law.

Wee also find upon due Examination of the writ of Election
& Indentures, for Talbott County that the Delegates in the
said Indentures mentioned (To witt) Co^l Matthew Tilghman
Ward M^r Thomas Robins, M^r James Lloyd, & M^r Tho^s Em-
berson are duely Elected according to law.

Wee also find upon due Examination of the writ of Election
& Indentures for Dorchester County that the Delegates in
the said Indentures mentioned (To witt) M^r John Brannock,
M^r Peter Taylor M^r Tobias Pollard, and M^r John Meakins are
duely Elected according to law.

Wee also find upon due Examination of the writ of Election
and Indentures for Annarundell County that the delegates in
the said Indentures mentioned (To witt) Cap^t Dan^l Mariartee
M^r Joseph Hill, M^r Alexander Warfield and M^r Rich^d Warfield
are duely Elected according to law.

Wee also find upon due Examination of the Indentures for
Queen Anns County that the Delegates therein mentioned
To witt M^r Charles Wright M^r W^m Turbutt Maj^r John Haw-
kins and M^r Edward Wright are Duely Elected according to
law, But the Sherriff hath not Complied with the duty of his
office in not returning the writ of Election, according to the
tenor of the sd writ

Wee also find upon due Examination of the writ of Election
& Indentures for Somerset County, that the delegates in the
said Indentures mentioned To witt M^r Tho^s Dashield M^r W^m
Whittington Jun^r M^r John Purnall, and M^r Sam^l Hopkins are
duely Elected according to law.

L. H. J. Wee also find upon due Examination of the Writt of Election & Indentures mentioned (To Witt) M^r Thomas Bordley and M^r Benj^a Tasker for the City of Annapolis are duely Elected according to Law.

Cap^t Colegate from the Comittee of laws reported an Answer to his Ex^{ty}s Speech which was ordered to be read and being approved of was ordered to be entred (Viz.)

By the Lower house of Assembly

To his Ex^{ty} John Hart Esq^r Governour of Maryland
May It please your Exn^{ty}—

By what your Ex^{ty} was pleased to say at the opening of this Session wee perceive those reports are not further to be regarded, which at last meeting induced us to Address Your Ex^{ty} for a prorogation to prevent what wee then feared would have proved a fruitless charge and trouble & since Your Ex^{ty} has not received any Instructions to the contrary of what you were then pleased to Recomend wee shall proceed to the Consideration & dispatch thereof, in the best manner wee are able.

p. 146 Wee heartily Congratulate his Lordship on his Restoration to his Government and acknowledge his Maty^s Bounty To us in approveing your Ex^{ty} to be our Governour a choice (which were it in our Power) wee our selves should make. The great Goodnes of his Majesty (soe well known to all that know him) The assurances Your Ex^{ty} has given us of his Lordships the Lord Guilfords resolutions to promote the wellfare of this Province the Character of our Lord Proprietor and the Experience of yourself give us reason To hope wee shall not now be a less happy people than wee were when under the more Immediate Government of that Mat^y who is indeed our faiths defender

Tis with great Satisfaction wee find our Religion so well secured under A Protestant King, Lord, and Governour, These happy Circumstances give us a Satisfactory assurance that the aspireing Interest of those that term us hereticks will not be able to prevail agst us.

Your Ex^{ty}s Impartiality has been convincingly Express by your unbyassed Administration, and since Justice and the laws are your Ex^{ty}s rules wee hope wee shall never be so farr mistaken in our duty or Interest as to neglect any part of our Endeavours to support your Ex^{ty} and the honour and dignity of his Lordships Government.

The Just consideration your Ex^{ty} has of the Burthen of long and frequent Assemblys gives us hopes That the most Easy

method wee can find for makeing necessary alterations in the L. H. J.
Stile of our laws will not be unacceptable Wee gratefully
acknowledge your Ex^{cy}s great condescension in parting with
so Considerable a Benefit as That of the seals on this occasion
meerly for the Sake of lessning the publick charge & in pur-
suance of the same end Wee shall not be wanting in our
Endeavours to take such Expedition methods in makeing
such alterations as may be grateful to his Lordship & your
Ex^{cy}

The Laying before his Lordship the State of our rents and
the Recomending to our consideration the circumstances of
the poor again Evince how much Our wellfare has been
your care, wee shall dilligently apply our selves to Consider of
the act proposed & hope your Conclusions will be so agree-
able To reason and Justice that they will not fail of his Lord-
ships and your Ex^{cy}s approbation.

Signed p order Tho: Macnemara Cl: Lo: ho:

Sent up to the Governour by M^r Thomas Bordley Co^l
Mackall M^r Tho^s Robbins Cap^t Colegate M^r Stoddert and Maj^r
James Harris, John Rousby Esq^r Co^l Hynson Maj^r Willson
Cap^t Mariartee James Lloyd and M^r W^m Turbutt,

They return and say they delivered it.

The house adjournes till one in the afternoon

Thursday afternoon.

The house mett according to Adjournment, and the mem-
bers being called over were present as in the morning

Maj^r John Bradfords letter shewing his ill state of health
being read the same is admitted as an Excuse

The following message being read was ordered to be entred
as follows.

By The Lower house of Assembly

July 19th 1716

May It please your Ex^{cy} and Honours—

Being assured that your Ex^{cy} and honours are desirous to
dispatch the bussieness of this Sessions with all the Expedi-
tion possible, and that wee may in no wise be wanting in our
duty in so advantageous a purpose for the publick good, pro-
pose to meet every day dureing the continuance of this Ses-
sions at 8 of the Clock, & continue sitting till Eleven in the
forenoon and meet at one in the afternoon & continue Sitting
till five and pray your Ex^{cy} and Honours to Signify how p. 147
Convenient the time wee propose may be to your Hon^{ble} house

Signed p order Tho: Macnemara Cl: Lo: ho:

L. H. J. Sent to the Upper house by Cap^t Mariate M^r Dashield & M^r Branock

They return and say they delivered the message.

Co^t Mackall from the Committee of Elections &c: Delivered M^r Speaker the following report made on the petition of Kent County Inhabitants Complaining of an undue Election referred to them yesterday which was read & approved of and ordered to be entred.

By the Committee of Elections and priveledges
July 19th 1716.

Upon reading the within petition and haveing heard the allegations of Some of the petitioners in relation to the premisses within sett forth & upon due Examination made in the writ of Election and Indentures for the within County wee find the several Delegates in the said Indentures mentioned (To witt) Cap^t S^t Ledger Codd Maj^r James Harris Coⁿ Edward Scott & Co^t Nathaniel Hynson to be duely Elected according to law the Election of the said Delegates being made by the Sherriff according to the tenor of the said writ of Election to him directed Signed p order John Beale Cl Com^{rs}

The following message being read was approved of and resolved to be entred as follows.

By the lower house of Assembly
July 19th 1716

May It please your Ex^{cy} and Hon^{rs}

That part of his Ex^{cy}s Speech relateing to the laws to run in the Style used when the Lord Prop^{rs} noble Ancestors had the Government of this Province being considered, The Better to understand our duty therein and that no mistakes may happen in the manner and method of Complying with what his Ex^{cy} recommends to us in that particular wee pray a Conference with some of the hon^{ble} members of the Upper house upon that Subject & that your Ex^{cy} and Hon^{rs} will please to appoint the time and place.

Signed p order Tho: Macnemara Cl Lo^r ho:

Sent To the Upper house by M^r Tyler M^r Stoddert Cap^t Dent and Cap^t S^t Ledger Codd.

They return and say they delivered it.

M^r Hill from the Comittee of Acc^{ts} delivers M^r Speaker Renatus Smiths Petition thus Endorsed (Viz)

By the Com^{rs} of Acco^{ts}
July 19th 1716.

L. H. J.

Tis Humbly reported to the Hon^{ble} Lower house of Assembly that on Examination of the accounts by this Comittee they appear to be proved before the Com^{rs} Gen^l by the within Petition and that by the Information of the Register of the Com^{rs} office the Pet^r produced Vouchers makeing appear most of the debts for which allowance is craved in said acco^{ts} to the Com^{rs} Gen^l

Signed p order John Beard Clk.

Thereupon on motion made the Question was put whether leave shall be given to bring in a bill Resolved in the affirmative and therefore ordered leave be given to bring in a bill

Co^l William Whittington From the Upper house delivers M^r Speaker the following Message.

By his Ex^{cy} and the Upper house of Assembly
July 19th 1716.

P. 148

His Ex^{cy} and this board gladly Imbrace any opportunity of dispatching the publick Bussieness and doe approve of the times you have appointed to meet, and sitt every day dureing this Session & assure you there shall be no delay from his Ex^{cy} & this house.

Signed p^r order W Bladen
Cl. of the upper house of Assembly.

Co^l Addison from the Upper house delivers M^r Speaker the following Message Viz.

By the upper house of Assembly.
July 19th 1716.

Upon reading the message from the Lower house by M^r Tyler and oth^{rs} praying a conference to be had relateing to the laws and the Style used when the Lord Prop^{rs} noble Ancestors had the Government of this Province Wee have resolved that the said Conference be granted and that the Hon^{ble} Tho^s Brooke Esq^r Co^l W^m Holland, Co^l Thomas Addison, Philemon Lloyd Esq^r L^t Co^l Rich^d Tilghman, and Co^l Thomas Smith be appointed to conferr with the Conferrees To be named by the Lower house at Six of the Clock this Evening at M^r Dodds house on that Subject.

Signed p order. W. Bladen Cl Up^r ho :

L. H. J. Thereupon ordered that M^r Bordley, Co^l Mackall, John Rousby Esq^r Co^l Scott, Maj^r James Harris, Co^l Hynson M^r James Lloyd, M^r Stoddert M^r Joseph Hill, L^t Co^l Jn^o Ward, Co^l Maxwell, and M^r Charles Wright be the Conferrees, and meet at the time and place appointed.

The house adjourns till to morrow morning 8 a Clock

ffriday morning 20th of July 1716.

The House was called over and mett present as Yesterday

On motion made that the Report of the Com^{rs} of accounts made the 18th May 1715 relateing to Edward Lloyd his Claiming and being allowed the Sallary of a Councillour durement the time of his being President, on which report the house of Delegates then made a Resolution, that the said claime was unjust, and that in regard nothing further done, may be now Considered, it was resolved the following Message be prepared.

By the Lower house of Assembly
July 20th 1716.

May It please your Ex^{ty} & Hon^{rs}

On Inspection into the Journalls of the house of Delegates durement the time the honourable Edw^d Lloyd Esq^r was president & Commander in chief in this province and by the testimony of Several members of this house wee find that the said Co^l Edw^d Lloyd on his allegations that he had not then Received nor had any certainty of receiving any benefit by his being President was allowed the Sallary & Itinerant charges of a Councillor amounting in the whole to 52[£] 13^s 6^d and 29580^{lb} Tob^o notwithstanding which allegations, wee find the said Co^l Edw^d Lloyd then had received part and Since received the full one half of the 9^d p^h and sundry other perquisites Sufficient to answer his charge and attendance, and forasmuch as wee also find that none of those that Preceeded the said Co^l Edw^d Lloyd in the said Station ever was allowed such a Sallary and charges and that by Her Matys Instructions he was Constituted a Body distinct from the rest of the Council, Therefore resolved nemine Contradicente that the said allowances were Craved & received by him on his misinformatino & that therefore the said Co^l Edw^d Lloyd ought to account for and pay the same to the publick wth which wee pray your Ex^{ty} & Hon^{rs} concurrence.

Signed p order. Tho: Macnemara Cl: Lo: ho:

Sent To the Upper house by Co^l Scott Co^l Hoskins, M^r L. H. J. Stoddert, Cap^t Mariarte, Cap^t Dent, and M^r Tyler, they return and say they delivered the Message.

John Hall Esq^r and Co^l Thomas Smith from the Upper P^h 149 house deliver M^r Speaker the following Message Viz.

By the Upper house of Assembly
July 20th 1716.

Gent.

Wee have debated and Considered your message by Cap^t Scott & five others of your members Relateing to the honourable Co^l Edw^d Lloyd & have ordered a Copy of your resolve to be sent him and at the same time directed him, that he should either appear here in person or send his answer thereto in writing by ffriday next upon which wee shall be the Better able to proceed & ground our Judgements.

Signed p order W Bladen Cl Upp^r ho:

Thereupon ordered the said matter be referred till flriday next.

Co^l Mackall from the Com^{ms} of Elections &c: Delivered M^r Speaker two Indentures for Election of representatives for Cecill County thus Endorsed (Viz)

By the Committee of Election and Priviledges
July 20th 1716.

Wee find the within named Co^l Eph: Augustin Herman upon due Examination made to be duely Elected according to law.

Signed p order. John Beale Cl. Coun^l

The house Adjournes till one in the afternoon

Then the house being called over was present as in the morning.

Co^l Coursey Co^l Young, John Hall Esq^r and Co^l Whittington from the Up^r house Deliver M^r Speaker the following from his Ex^{ncy}

M^r Speaker—

I Desire you will please to acquaint the Gentlemen of the lower house of Assembly that the address presented to me yesterday was very acceptable in every Circumstance.

Their Loyal expressions of his most Sacred Ma^{ty} are a continued instance of their firmness and duty to his Royal person

L. H. J. and of their ardent Zeal for the well fare of the Protestant Religion.

I shall not be wanting To give the best Impressions I am Capable of, to the Lord Prop^r (and the Lord Guilford on his Lordships behalf) of your hearty Congratulation to his Lordship on his Restoration to the Governm^t in this Province and as I am convinced that a good understanding between the Lord Prop^r and the Inhabitants of Maryland is Equally the Interest of his Lordship and this people, I shall not omitt my duty To Inform his Lordship, of such men as either have or may lead his Lordship into Improper measures, so as to give any disgust to the well affected in this Government.

As to what relates to my particular, It is very obligeing and kind, That I chuse to make my acknowledgements by the Sincerity of my actions as the Best return I can offer for the good opinion they have of my Conduct

I am Sorry I have reason to Say (notwithstanding I find my administration so acceptable to this Province) That I have been under a necessity to desire my Lord Prop^r and my Lord Guilford that they will please to remove me from the Station I am in. Some of my reasons for such request will appear to you on the perusal of the Copy of M^r Charles Carrolls Comission herewith sent you

I would not be understood that I Impute the Treatment I have mett with to the Lord Prop^r nor yet to my Lord Guilford, but to the advice of some persons who Either are not Capable or unwilling to give better Council

Jo: Hart

p. 150 Which being read the said Comon therein referr'd to was also read and ordered to be entred.

Charles absolute Lord and Prop^r of the Provinces of Maryland and Avalon Lord Baron of Baltemore in the Kingdom of Ireland a minor and ffrancis Lord Guilford Guardian to the said Lord Baltemore for and on his behalf

To all Persons to whom these presents shall come greeting

Know ye that wee Reposeing Special trust and Confidence in the Capacity knowledge and Circumspection of Charles Carroll of our said Province of Maryland Esq^r have made constituted ordained authorized and appointed and By these presents Wee doe make constitute ordaine authorize and appoint him the said Charles Carroll To be our Chief Agent Escheator Naval officer & receiver general of all our rents arrears of rents fines forfeitures To^{bo} or moneys for land warrants of all

ferrys, waifes Strays and deodands of all dutys ariseing from L. H. J.
or growing due upon Exportation of To^{bo} as^d Tonnage of
Ships and all other moneys Tobacco or other effects in any
manner or ways now due or hereafter to grow due whether
by protested Bills of Exchange or other wayes to us within
the said Province, Hereby granting to the said Charles Carroll
full power and authority to sell and Dispose of All lands,
tenements or Hereditaments to us now Escheated or hereafter
to be Escheated or forfeited to such person or persons as
shall agree, and at such reasonable rates in money as shall be
agreed for also to Inspect into, order manadge and account
for all and every other Branch or Branches of our Revenues
in this our said Province whether the same be or grow due by
particular Contract Conditions of Plantations Act or acts of
Assembly or by vertue of our Royalties rights Priviledges
and prerogatives within the said Province and for the better
and more effectual execution of the said powers and Authoritys
hereby granted; wee doe further authorize him to Empower
Constitute and appointe under him such and so many officers
and deputies as shall be required and has been usual hereto-
fore in like cases. Hereby Ordaining and requireing him
the said Charles Carroll to remitt unto us for our proper use
by the first and Safest opportunitys and Conveniencys all such
moneys Effects and bills of Exchange as shall arise grow due
and be received by him and his Deputies or under officers, on
all or any of the Branches of our Revenues and upon receipt
of any money Bills of exchange or other effects Sufficient
discharges and acquittances to give and Signe to the person
or persons concerned or owing Such money effects and bills
of exchange, and generally to act doe and perform fullfill and
accomplish all and every act and acts thing and things
requisite and necessary for the due execution performance
and Justly dischargeing the Several and respective offices
powers and authoritys hereby given and granted him & wee
doe hereby ratifie confirm and hold for good Effectual and
valid whatsoever the said Charles Carroll shall lawfully doe
or cause to be done in the premisses notwithstanding any
Insufficiency or Defects in the words Expressions clauses
Sentences of this our Comission and altho every particular
matter Strictly requisite be not therein particularly mentioned
and expressed, and wee doe further for a Compensation
Sallary & Encuragement to the said Charles Carroll for the
punctual Sincere & faithful performance of the powers and
authoritys hereby granted him, and in Consideration of the
pains Labour and trouble he shall take in the due Execution
thereof authorise Direct and Empower him to take receive
and retain to & for his own use out of all such moneys Tob^o

L. H. J. or other effects as shall be received on any of the accounts af^d
 p. 151 Except for the duty ariseing by the exportation of Tobacco,
 being two Shillings and nine pence p hh^d and the duty arise-
 ing p the Tonnage on Ships being fourteen pence p Tunn
 the Sum of ten pounds in the hundred and so prorata for a
 greater or lesser Quantity over and above the Sallery so as
 af^d to be allowed his officers and for receiving and remitting
 the said two & nine pence p hh^d and fourteen pence p tonn
 the sume of one hundred pounds Sterling yearly, And wee
 doe hereby revoak annull and make void all former and other
 Commissions powers and authoritys touching the premisses
 by us or our authoritys to any person or persons heretofore
 granted ratifyeing & Confirming all whatsoeuer has been
 lawfully done by the said Charles Carroll by vertue of my
 Late Lord Benedicts letter to him as far as in us lyes as also
 what after his death he hath lawfully done by vertue of our
 letter to him, And this our Commission and the powers hereby
 granted to continue in force dureing our pleasure and no
 longer. In witnes whereof wee have hereunto sett our hands
 and greater Seal of our Said Province Dated at London this
 24th day of March in the year of our Lord one thousand
 Seven hundred and fifteen

Int: in officio Secret. Customar
Decimo Sexto die Aprilis 1716 {The great Seal} Baltemore
John Manly Guilford

Vera Copia John Beale Cl: Prov^l Court

On reading which the same is ordered to lye on the Table to be perused by the members.

The house Adjourned till to morrow 8 a Clock

Saturday morning 21st July 1716

Then the house being called over were present as yesterday and the proceedings on yesterday were read.

The Report of the Committee appointed by the Hon^{ble} Council and the house of Delegates to Inspect the Records of the land Secretarys and Commissarys offices in October Assembly 1713 being read It is ordered the following Message be prepared (Viz)

By the Lower House of Assembly
July the 21st 1716.

May It please your Ex^{ncy} and Hon^{rs}

The Estates of the Inhabitants of the Province Intirely depending on the Records of land Secretary Commissary and

County Court offices, and for that wee find that many of the L. H. J. Record books in the land Commissary and Secretarys offices are so very much worn, that a Speedy care must be taken to have them mended at the publick charge, and are likely to be a continual charge to the publick, by the negligences of the Clerks being Secure that they are not obliged to make them good the better to prevent such charge and to secure the Estates of the Inhabitants for the future wee think it necessary and Just that as the officers who hold all or any of the Said offices are intituled to the fees so they ought to bear the Burthen, and charge of keeping such record books in due repair, and should before their Entrance on the execution of such office hereafter be obliged to give good Security in this Province for the due Execution of their respective offices & keeping the Records in the like order they receive them, and that the officers now in place be obliged by the day of next to give such security or be disabled to hold their several offices, and that a bill may be brought in accordingly with which your Ex^{ty} and Hon^{ty} concurrence is prayed

Signed p order Tho : Macnemara Cl: Lo : ho:

Sent To the Upper house by Co^l Mackall M^r Stoddert Co^l p. 152 Hoskins M^r Hopkins M^r Alexander Warfield and M^r Charles Wright

They return and say they delivered it.

M^r Thomas Bordley from the Conference appointed about the Stile of the laws reported the progress made by the Comittee in that matter which he read in his place and then delivered it M^r Speaker which was approved & ordered to be entred as follows (Viz)

Maryland ss

Att a Conference held at the house of M^r John Dodd on ffriday the 20th July 1716.

Present

Thomas Brooke Esq ^r	{	Philemon Lloyd Esq ^r	{	of the
Co ^l W ^m Holland		L ^t Co ^l Rich ^d Tilghman		Upper house
Co ^l Thomas Addison		Co ^l Thomas Smith		of Assembly

and

M ^r Thomas Bordley	M ^r James Lloyd	{	of the Lower house of Assembly
Co ^l Jn ^o Mackall	M ^r James Stoddert		
John Rousby Esq ^r	M ^r Joseph Hill		
L ^t Co ^l Edw ^d Scott	L ^t Co ^l Jn ^o Ward		
Maj ^r James Harris	Co ^l James Maxwell		
Co ^l Nath ^l Hynson	M ^r Charles Wright		

L. H. J. Who make choice of the Hon^{ble} Thomas Brooke Esq^r of the Upper house to be their Chairman and John Beale their Clerk.

And proceed to consider that part of his Ex^{ty}s speech relating to the laws to run in the Stile used when the Lord Prop^{ty}s Noble Ancestors had the Government of this Province, and what shall be convenient to be done therein being the Subject matter of the Conference.

On consideration of the Subject matter of this Conference it's observed that the Stile of the laws which were made before the Revolution when this Government was wholly in his Lordships hands was generally in these words Be it Enacted by the right Hon^{ble} the Lord Prop^{ty} by and with the advice and consent of the Upper & lower house of this present General Assembly and the Authority of the same, Tis likewise observed that after the Crown took the administration of this Government, The stile was generally in these words Be it Enacted by the Kings most Excellent Ma^{ty} by and with the advice and consent of this present General Assembly and the Authority of the same But for that about the years 1710 & 1711 Sundry laws of this Province were dissented to by her late Ma^{ty} for want of mentioning Her Majesties President as a distinct Body in those laws since which the Stile of the laws has run in his present Majestys name thus Be it Enacted by the Kings most Excellent Ma^{ty} by and with the advice & consent of his Mat^{ty}s Governour Council & Assembly of this Province and the authority of the same wherefore tis proposed whether since the Restoration of the Government to his Lordship It may not be proper to use the stile which seems most agreeable to the stile last directed by the Crown (Viz.) Be it Enacted by the right Hon^{ble} the Lord Prop^{ty} by and with the advice & Consent of his Lordships Governour Council and Assembly and the authority of the same But for that a Majority of the Conferrees rather incline to make use of that stile which his Lordship, by his letter of Instruction to his Ex^{ty}s has been pleased Expressly to Direct, It is proposed that the stile be at least untill his Lordships pleasure shall be further known, By the Right Hon^{ble} the Lord Prop^{ty} by & with the advice and
 p. 153 Consent of the Up^r and Lower houses of this present General Assembly but this with Submission to the better Judgment of both houses

Signed p order John Beale Cl of the Confer^{es}

Then the following Message was prepared and being read was approved of viz.

By the Lower house of Assembly
July 21st 1716.

L. H. J.

May it please your Ex^{cy} & Hon^{rs}

Wee agree with the Report made by the Conferr^{ees} and resolve that such of our Laws as shall be thought necessary to be reenacted this Sessions for the defects wee Discover in them and all the laws hereafter to be made shall run in the stile in the said report agreed on

Signed p order Tho: Macnemara Cl: Lo: ho:

Sent to the Upper house by M^r Tyler Maj^r Willson M^r Rich^d Warfield Maj^r Hawkins, Cap^t Colegate and M^r Turbutt.

They Return and say they delivered the message

M^r Edward Griffeth at the request of the Clerk is admitted Clk assistant this Session

On reading the petition of the Coheirs of Arnall Paramore Praying leave to bring in a Bill for vesting in them an Estate in fee Simple in Weytaxon

Ordered that all the parties have notice and appear at the barr at one in the afternoon to make good their allegations and be heard by their Council

The house adjournes till one in the afternoon

Saturday In the afternoon

Then the house being called over mett present as in the morning

Tho^s Brooke Esq^r Co^t Addison, and Co^t Tho^s Smith from the Upper house deliver M^r Speaker the following Message, which being read was ordered to be entred.

By the Upper house of Assembly
July the 21st 1716

Upon debate of the Report from the Conference had concerning the Stile of the Laws to be Enacted, His Ex^{cy} was pleased to declare that he had received directions from the Lord Prop^r and his Guardian that all the laws which were revised since his most gracious Majestys Happy accession to his throne should be reenacted in his Lordships name, and that he should consult what Style was used when this Governm^t was Immediately in his Lordships Ancestors but as that matter is left to Discretion and that for want of formal instructions he is Referr^d to her late Mat^{ys} Royal Instructions for better Information he is of opinion that the Stile ought to run in the method prescribed in those Royal instructions varying

L. H. J only as it relates to the Lord Prop^r Govern^t (Viz) By the right Hon^{ble} the Lord Prop^r of this Province, now a minor and the Right Hon^{ble} Francis Lord Guilford his Guardian for and on his behalf and by & with the advice & consent of his Lordships Governour & the Upper and Lower houses of Assembly and the authority of the same.

His Ex^{cy} is further of opinion that if the name of the Governour be omitted who has an affirmative as well as a negative voice in the passing & refusing the laws they will want an Essential part, and that such laws will have no force nor vertue, Wherefore wee cannot agree to the report, of the Conference but desire you will debate this matter in your house, and if you have no reasonable objections to the Contrary Concurr with us, that what laws shall be now made run in the Style in this Message proposed.

Signed p^r Order W Bladen Cl Up^r house

The Hon^{ble} Co^l Coursey and the Hon^{ble} L^t Col Sam^l Young
p. 154 from the Upper house deliver M^r Speaker the following Message which being read was entred.

By the Upper house of Assembly
July 21st 1716

Gent.

In answer to your Message this morning by Co^l Mackall & five others, Relateing to the publick records wee acquaint you that wee have considered thereof, and doe approve of your desire, that a bill be brought in this Session pursuant thereto

Signed p^r order W Bladen Cl Up^r house.

Which being read It is thereupon ordered that the Committee of laws prepare & bring in a bill accordingly.

Co^l Thomas Addison from the Upper house delivers M^r Speaker, The humble petition of George Valentine praying an Inlargment of his Sallary for conveying of publick packets and letters thus Endorsed (Viz)

By his Ex^{cy} the Gov^r
July 21st 1716

In Justice to the Petitioner I must Declare that he has duely discharged his duty on the particulars within mentioned with a great deal of Diligence charge and trouble, and therefore I think fitt to recommend him to the consideration of the Upper & lower houses of this present General Assembly and desire they will consider his Services

Signed p^r order W Bladen Cl; Up^r house,

By the Upper house of Assembly
July 21st 1716

L. H. J.

'The petitioner M^r George Valentine being a very diligent and Industrious officer residing at the Seat of Government gives his continual attendance for the dispatch of publick packets and also is very ready and Serviceable on any other occasions in the Execution of Justice and Service of the Province Wherefore wee desire you will make him such a suitable allowance or Gratuity for his Services as may Encourage his future diligence

Signed p order. W Bladen Clk: Up^r ho:

Which being read the same is referred to be considered of on Munday Morning

The following message being prepared was ordered to be entred as follows.

By the Lower house of Assembly
July 21st 1716

May It please your Ex^{cy}

In answer to your Message by the Hon^{ble} Thomas Brooke Esq^r Col Thomas Addison, and Co^l Thomas Smith, wee hope it will not be thought necessary To mention any thing in the laws hereafter to be made of the right Hon^{ble} the Lord Prop^{ry} minority or of his noble Guardian for the title of the Lord Prop^{ry} in the laws is made use of as he is a Body Politique & not in his Natural Capacity and therefore minority cannot disable him to pass the laws and hope your Ex^{cy} and Hon^{rs} concurrence will not be wanting in that particular tho the Stile used when the Lord Prop^{ry} noble ancestors had the Governm^t of this Province was recommended to us, as the fittest stile to use in our laws, yet wee are so well Satisfied with the reasonableness of his Ex^{cy} opinion in respect to nameing the Governour that wee agree that the stile to be used shall be as follows (viz.)

By the R^t Hon^{ble} the Lord Prop^{ry} by and with the advice and consent of his Lordships Governour and the Upper and Lower houses of Assembly and by the authority of the same of which wee hope your Ex^{cy} and Hon^{rs} will signifie your Approbation and as to that part of your Message which Intimates his Lordships Directions for reenacting all the laws which were revised since his most Gracious Majestys happy accession to the throne, which Indeed are all the laws of Maryland now in force considering all due care and application of the Legislature of this Province has been so lately used in

L. II. J. forming them so as to be useful and beneficial to the People and that wee are not Sensible that any material addition can now be made in them and for that the reenacting them now
 p. 155 for the sake of a Stile would look like questioning the authority by which they were made which wee cannot admitt ought to be even doubted and where as by reenacting them a great charge will fall on the publick and that the Continuance of them in the Style they now are in can be no Derogation to his Lordships Honour or right of Government or prejudice to any person, Wee hope your Ex^{cy} and Hon^{rs} will excuse us, from reenacting any other laws, than those that appear deficient.

Signed p order Tho Macnemara Cl: Lo: ho:

Sent to the Upper house by Co^l Scott, Cap^t Mariartee John Rousby Esq^r Maj^r Willson M^r Stoddert, M^r Edward Wright M^r Tasker M^r Turbutt, M^r Brannock and M^r Pollard.

They return and say they delivered the Message
 The house adjourns till Munday morning 8 a Clock.

Munday morning the 23^d day of July 1716.

Then the house being called over mett present as on Saturday

Cap^t Thomas Greenfield appeared this day in the house.

M^r Valentines Petition and Endorsm^t referr'd from Saturday to be considered this morning being read on a motion made the Question was putt whether any allowance shall be made him for his Extraordinary Services in the s^d Petition mentioned or not.

Resolved in the Negative by Majority of votes, upon which the following Message was prepared and Entred (Viz)

By the Lower house of Assembly
 23^d July 1716.

May It please your Ex^{cy} and Hon^{rs}

M^r George Valentines petition with your Ex^{cy} and honours Recomendation thereon Endorsed has been considered and this house should be very ready to Comply with his Ex^{cy} or your Honours request but that A law is now in force whereby a Suitable Recompense is provided for such Services, and should wee make the allowances the petitioner Craves such pceeding would be introductive of a Growing charge and be a president for the other Sherriffs of this Province hereafter,

to make the like claime & therefore wee hope your Ex^{ncy} and L. H. J. Honours will excuse us therefrom

Signed p order. Tho: Macnemara Clk: Lo. Ho:

Sent to the Upper house by Cap^t Mariatee M^r Hill & M^r James Loyd

They return and say they delivered it.

On reading the petition of Thomas Willson, Susannah Willson, Obedience Johnson, Sarah Johnson, Jephtha Johnson, Robison Johnson Coheirs to Arnold Paramore late of Somerset County decēd praying leave to bring in a bill for suppling a defect in John Paramores will,

It was ordered that William Bladen Esq^r being of the Council with Thomas Paramore the son and heir at Law of the s^d Testator John Paramore & M^r Bordley & M^r Macnemara of Council with the Petⁿ be heard and the allegacōns on both sides being Considered,

The Question was put whether leave shall be given to bring in the Bill prayed for

Resolved in the Affirmative by Majority of Votes.

Thereupon ordered that the Petⁿ have leave to prepare and bring in a bill accordingly

Philemon Loyd Esq^r and Co^t Thomas Smith, from the Upper house deliver M^r Speaker the following Message Which being read was ordered to be entred as follows (Viz)

By the Up^r House of Assembly
July 21st 1716.

Gent.

The first part of your Message by L^t Col Scott and nine other of your members which proposes that the name of the Right Honourable the Lord Proprietarys Noble Guardian should be omitted in the Stile of the Laws now to be Enacted p. 156 has been debated and Considered, and it haveing been putt to the Question whether this house agree thereto It was resolved (Nemine contradicente) that this house Does Concur with the Sentiments of the lower house thereupon, and that the style of the laws now to be Enacted be as now is proposed by your house But in as much as the latter part of your Message is likewise of great moment It is referred for our further Consideration.

Signed p order W Bladen Cl Up^r house.

The house adjourns till one in the afternoon

L. H. J. And then the house being called over mett present as in the morning

And then also M^r Nath^a Dare a member for Calvert County appeared in the house

The honourable Thomas Brooke Esq^r and Co^l Will^m Coursey ffrom the Upper House deliver M^r Speaker the following Message, which being read was ordered to be Entred (Viz)—

By the Upper house of Assembly
July 23^d 1716.

Wee have debated the latter part of your Message concerning the reenacting the laws in his Lordships Stile and doe agree to your first reason, That you are not sensible of any materiall addition to be made to them, and also to your second that the reenacting those laws for the Sake of a Style would look like Questioning the authority by which they were made, which cannot be doubted of, likewise wee agree with your third reason that the reenacting of them would be a great charge to the publick, and haveing also debated your fourth reason wee doe not apprehend that the continueing the laws in the Stile they now are can be any Derogation to his Lordships Honour or right of Government, or prejudicial to any person, provided that an Act be now made to transferr all the fines and forfeitures, (given by these present Acts of Assembly to his Majesty his heirs and Successors) to the Right Honourable the Lord Prop^r his heirs and Successors for the uses in the said Laws mentioned.

Signed p order W Bladen Cl Up^r ho.

The House Concurrs therewith and ordered that the Comittee of Laws prepare and bring in Such a Bill as by the said Message is Directed.

Maj^r Bradford a member for Prince Georges County appeared this day in the house.

Co^l Will^m Holland from the Upper house delivers M^r Speaker the following Message (Viz.)

By the Up^r house of Assembly
July 23^d 1716

Gen^t

His Ex^{cy} the Governor has been pleased to direct John Rousby Esq^r who was his Majestys receiver of the District of Pattuxint to lay before your House the State of the Revenue

of 3^d p^h appropriated for purchasing Arms and Ammunition for the defence of this Province. L. H. J.

Signed p order W Bladen Cl: Up^r ho:

On a motion made that whereas a land record Book distinguished by the name of Lib: L: M: 1656 and 1657 was burnt when the Stadt house was burnt in the year 1704 out of which book there is a short extract Extant, It is ordered that Tho^s Macnemara the Clerk of this house treat and make a reasonable agreement about a Copy of the Extract of the said book and procure the same ag^t the next Sessions at which time the Agreement to be made by the Clerk shall be performed, and the Clerks trouble and charge Considered.

Co^t Thomas Addison from the Upper house delivers M^r Speaker M^r Philemon Hemsley's Petition thus Endorsed (Viz)

By his Ex^{cy} the Governour and Up^r house of Assembly
July 21st 1716.

This petition being thought reasonable is recommended to the lower house to Consider the petitioners case who adventured his Vessell abroad to Import Rum and Sugar

Signed p order W Bladen Cl Up^r house.

Which being read together with the several papers there- p. 157
with Sent it is Referred to the Consideration of the Committee of Aggrievances before whom the petitioner is to make appear the truth of his allegations and particularly shew the Rum Imported into the said Province was the same Rum as was put on Board the said Sloop in the Petition mentioned and the said Committee to make their Report to this house with all Convenient Speed.

Likewise at the same time Co^t Thomas Addison from the Upper house delivers M^r Speaker the Petition of Grace Brooke and Thomas Brook thus Endorsed Viz.

By the Upper house of Assembly
July 23^d 1716.

This petition is Recommended to the Lower house and that upon due proof made of the allegations therein they will admitt a Bill to be brought in for W^m Grey's releife

Signed p order W Bladen Cl Up^r House.

Which being read it is ordered that Summons be Issued requiſeing Charles Brook the heir at Law of Rob^t Brook

L. H. J. decēd and W^m Grey the purchasor in the said Petition mentioned to appear before the Barr of this house with all Convenient speed after the receipt of the said Sumons, the said Charles to shew cause why the Bill should not pass and the said Will^m Grey to give such Satisfaction to this house as shall be then required.

The house adjournes till 8 a Clock to morrow morning

Tuesday morning the 24th of July 1716.

Then the house being called over was present as yesterday and the proceedings of the house on Yesterday were read.

A Bill for supplyeing a defect in the last will and Testam^t of Jn^o Parramore was read the first time, and ordered to be read a second time on the 25th

The petition of Patrick Andrews praying an Allowance for keeping the arms and amunition of Calvert County since the death of Co^l Biggar being read, Its Resolved by this house Nemine Contradicente that the same be rejected.

John Rousby Esq^r pursuant to his Ex^{co}s Directions delivers M^r Speaker an account of the 3^d p^h appropriated for purchasing Arms & Amunition dureing the time he has been receiver under the Crown and the same is Referred to the Committee of accounts for Examination.

Co^l Mackall from the Com^{ee} of Elections delivers M^r Speaker the following Report to the Petition of some of Cecil County Inhabitants complaining of an undue Election annext (Viz)

By the Committee of Elections and Priviledges
July 23rd 1716.

Wee of the Committee have duely examined the Evidences to us produced upon oath as well on the behalf of the petitioners as the Sherriff in Relation to the Election of L^t Co^l John Ward and Cap^t James ffrisby and have taken the substance of the said Evidences oaths in writeing as appears on this sheet of paper as some other oaths hereunto annext for your due Information of the said Election whereupon wee Referr the Consideration thereof to the house, the said Petitioners desireing to be heard, before the house at the barr by their Council

Signed p order John Beale Cl Com^{ee}

Which and the papers therein Referred to being considered and the partys heard at the Barr, It is Resolved nemine Con-

tradicente that L^t Co^l John Ward and Cap^t James ffrisby the members Complained of were duely Elected. L. H. J.
p. 158

The honourable Thomas Brook Esq^r Co^l Holland, Co^l Coursey L^t Co^l Young, John Hall Esq^r Co^l Addison, Co^l Whittington Phil Lloyd Esq^r L^t Co^l Tilghman and Co^l Thomas Smith—ffrom the Upper house deliver M^r Speaker the following Message (Viz.)

By the Upper house of Assembly
July 24th 1716.

Gent.

Wee herewith send you M^r Carrolls scheme relateing to a Compensation for Extinguishing the Tob^o Rents and alienation fines and also a lease made by his Lordships Honb^{le} Guardian to M^r Henry Darnal upon whose Generous declaration this day in this house that He would not Interfere with the Interest of his Lordship and the Countrey and refusal to accept thereof M^r Carroll has cancelled the same so that altho his Ex^{ncy} thinks he has been hardly dealt with in that such Lease should have been made after the directions he had received to make his offer to the Countrey, yet now the publique have it in their option to Consider of this matter and scheme proposed & whether it may be for their Interest to accept of the Bargaine on the terms of Raiseing the whole Six pence p hh^d or other wise leavying & payeing his Lordship three hundred pounds Sterling per annum and the Tob. in the scheme mencōned to his Several officers? Wee desire you will observe that there is 10000^l Tob^o Reserved in the Scheme beyond what is allotted to his Lordship's standing officers (mentioned in the Lease) and must be applyed to the Charge of Keeping his Lordship's rent roll.

Signed p order. W Bladen Cl Up^r House.

Then Co^l Holland delivered M^r Speaker sundry pposals about advanceing the publick Credit which were read and Referred for further consideration, upon reading which Scheme &c: the same and the papers therein mentioned, are referred to be considered of in the afternoon.

The House adjourns till one a Clock in the afternoon

And being called over the members were present as in the morning.

Then the house proceeded to the Consideration of the message & of the other papers brought down this morning by Tho^s Brooke Esq^r and nine other members of the Up^r house

L. H. J. relating to an additional duty of six pence p hh^d to be granted to the R^t Hon^{ble} the Lord Prop^{ry} & ordered the said Lease referred to in the said Message tho' Cancelled to be Entred as follows.

This Indenture made the tenth day of Aprile Anno Dom 1716 and in the second year of the Reigne of our Sovereigne Lord George by the Grace of God of Great Brittain France and Ireland King defender of the faith &c: Between the R^t Hon^{ble} ffancis Lord Guilford Guardian to the R^t Hon^{ble} Charles Lord Baltemore Prop^{ry} of the Provinces of Maryland & Avalon a minor for and on the behalf of the said Lord Baltemore of the one part and Henry Darnall of the said Province of Maryland Esq^r of the other part Witnesseth that the said ffancis Lord Guilford for the rents and Coven^{ts} therein after reserved and Comprized, Hath demised Granted and to farme letten and by these presents doeth Demise Grant and to farme lett unto the said Henry Darnall all the Tob^o rents and fines for alienations now due or hereafter to grow due to the said Lord Baltemore within the said Province of Maryland, To have and to hold receive and take to the sole use and benefitt of him the said Henry Darnall all the said Tobacco rents and alienation fines from the 25th day of September, which was in the year of our Lord 1714 unto the full end and term of six years then next following and fully to be Compleat and Ended

p. 159 yeilding and paying therefor yearly dureing the said term unto the said ffancis Lord Guilford his Ex^{tn} Admⁿ and Assignes the sume or yearly rent of three hundred pounds of lawful money of Great Brittain upon the Exchange of London at the two most usual feasts or times in the year (that is to say) at the feast of the Annunceation of the Blessed Virgin Mary and S^t Michael the Archangel by even and Equal portions and also yeilding paying and delivering the several following Quantitys of Tob^o in manner and form herein after expressed (That is to say) to our standing Council at Law for the time being twelve thousand pounds of Tobacco, and three thousand pounds of Tobacco towards our Law Charges to be paid in the County of his abode, To our Shipping officer att Pattuxent for the time being 2000^h Tobacco, and to his Assistant there 3000^h of Tobacco to our Shipping officer at Pocomack 6000^h of Tobacco, to our Shipping officer at Pocomoak 3000^h Tobacco, To our Shipping officer at Oxford 3000^h of Tob^o to our Shipping officer at Annapolis 3000^h Tob^o and likewise 12000^h of Tob^o to such person or persons as the said Lord Guilford shall from time to time direct to receive the same at Annapolis the af^d several Quantitys of To^{bo} to be payed yearly in the said Several Countys, where the said offices are Executed and the said Henry Darnall for himself his

Exⁿ Admⁿ and Assigns doeth Covenant promise and agree L. H. J. to and with the said Francis Lord Guilford his Exⁿ administrators and Assigns that he the said Henry Darnall his Exⁿ Admⁿ and Assigns shall and will returne a true and perfect Rent roll yearly to our Agent for the time being in the said Province to be Transmitted to us of all the tennants and Occupiers names, and by what title they hold their Lands, and further the said Henry Darnall doth for him self his Exⁿ Admⁿ and Assigns Covenant promise and Agree to and with the said Francis Lord Guilford his Exⁿ Admⁿ and Assigns that he the said Henry Darnall his Exⁿ Admⁿ and Assigns shall and will well and truly pay the said rent of three hundred pounds and also the aforsaid several To^b rents at the time and places abovementioned and Expressed. In witness whereof the partyes to these presents have Interchangeably sett their hands and Seales the day and year above written.

And It was then Ordered that the Scheme proposed by M^r Charles Carroll be also entered (Viz)

July 22^d 1716

May It please your Ex^{cy}

I offer to your Consideration in case a Law should be sett on foot to grant the Lord Prop^{ty} 6^d p hh^d in consideration of acquitting his Tob^o rents and alienations the following State of an account

To what his Lordship can farme his rent for	300 : 0 : 0
To w ^t the farmer must pay the sev ^l officers	
67000 ^h of Tob ^o at 1 ^d p ^{lb} which his Lordship	
must pay in Case the law goes forward	279 : 3 : 4
	<hr/>
	579 : 3 : 4
To putt his Lordship on as good foot as he	
may be by the forme pposed there must be	
yearly Exported 23167 hh ^d of Tob ^o w ^{ch} at 6 ^d	
p hh ^d make	579 : 3 : 4

If more Tob^o be Exported his Lordship will be a gainer if less a loser

I am your Ex^{cy}s humble Ser^t—Charles Carroll

If the Countrey think fitt to pay the above Quantity of To^b at the several places of abode of the persons to receive the same think it the same thing for his Lordship and doubt not but his Lordship will be well Satisfied with the yearly sume of three hundred pounds for himself

Charles Carroll.

L. H. J. And thereupon a motion was made that the Question be putt whether an additional duty of 6^d p hh^d of To^{bo} to be exported out of this Province shall be granted to the R^t Hon^{ble} the Lord Prop^{ry} in full Satisfaction of all his Land rents in To^{bo} and fines for alienations or that the Countrey shall farme the Rents reserved in To^{bo} at 2^d p £ at the rate of the yearly rent of 300^l Ster and 67000^l of To^{bo} as proposed to M^r Darnall.

p. 160 Resolved that the additional duty of 6^d be granted by Majority of Votes And then on a Motion made by a Member of this house Suggesting that the Lord Prop^{rys} of this Province when they had the Government did usually maintain and Support the Gent of the Council or Up^r House out of the Revenue given them for Support of Government It is

Ordered that the Co^mittee of Laws Inspect into the Laws and Journalls of Assembly in those times and report to the house how that matter stood, and these Gen^t were then provided for.

And the Answering the said Message brought down by the Hon^{ble} Thomas Brooke Esq^r & nine others of the Up^r house this morning is referred till that Report is made.

On reading the petition of Alexander Mackay of Cecill County praying leave to bring in a bill for supplying the defects of a Certain deed to him made from Robert Hughes, It is,

Ordered that the same be Referred to the Consideration of the Co^mittee of aggrievances, and make their report thereon to this house with all Convenient speed.

Ordered that Maj^r Willson and M^r James Lloyd goe along with John Rousby Esq^r Naval officer of Pattuxent to the Upper house to see him prove his accounts.

They Return and say they see him prove the same.

The Petition of Richard Manning referred from the 29th day of Aprill 1715 to be considered the 4th day of this Sessions is further referred under the order then made thereon till the 4th day of next Session and the partyes Concerned are to appear then for the House has resolved to proceed then to the Consideration of the said Petition and allegations.

M^r Joseph Hill from the Co^mittee of accounts delivers M^r Speaker Jn^o Rousby Esq^r accounts of the 3^d p hh^d for purchasing arms and Ammunition for the defence of the Province thus Endorsed.

By the Comittee of Accounts
July the 24th 1716

On examination of the within account Tis humbly Reported to the Lower house of Assembly that this Co^mittee finds it to

be just and true and the Clear Ballance remaining thereon to L. H. J.
be 214^h 18^s 10^d the accountant haveing already deducted his
Sallary

Signed p order John Beard Cl Com^{rs}

The order made the 7th of May 1715 by the house of
Delegates ab^t Cecill County court house with the Sherriffs
return thereon is referred to be considered to morrow morning.

The house adjournes till Eight a clock to morrow morning.

Wednesday morning 25th July 1716

The house being called over members were present as
yesterday Except Co^t Mackall who is Sick and is therefore
excused.

The proceedings of the house on yesterday were Read.

On a motion made that it would be very advantageous to
the Countrey to Impose a greater duty then 20^s p head on
Negroes and Irish papists Servants for the defraying the
publick Charge of this Province,

The Question was putt whether a further duty shall be
layed on them or not and

Resolved in the Affirmative by Majority of Votes and then
On motion made the Question was putt whether the additionall
duty shall be four pounds Sterling

Resolved in the Affirmative by Majority of votes

It is thereupon Ordered that the Co^mittee of Laws prepare
and bring in a bill accordingly.

M^r Robert Tyler from the Co^mittee of Aggrievances de-
livers M^r Speaker the following report Viz.

By the Committee of Aggrievances
July 25th 1716.

It is humbly offered to this Co^mittee as an Aggrievance
that, that law now in force against Strikeing of fish does not p. 161
answer the Intent designed in Regard that there can be no
method found to prevent those people that live convenient by
the water side they haveing opportunity to strike fish undis-
covered, when those that live a distance off dare not attempt
for fear of being discovered with the fish and so Liable to the
penalty of the said Act.

It is further Humbly offered to the Co^mittee as an Aggriev-
ance that th^t Law Intituled an Act for Relieveing the Inhabitants
of this Province from some aggrievances in the prosecution of

L. H. J. Suites at Law prevents the plaintiffs bringing any actions ag^t the Residents of the Province in the Provincia^l court wherein the debt or damages doe not amount to above 5000^l of Tob^o or Twenty pounds but the defend^{ts} are left at their Liberty when sued in the County Courts to remove the said actions by Habeas Corpus to the Provincial Court if the debt or damages in Demand doe not amount to above fifteen hundred pounds of Tob^o or six pounds five Shillings, and therefore is hoped that the same shall be prevented by a Supplementary bill to the said Act—upon reading of which the following message was prepared and Entred (Viz)

By the Lower house of Assembly
July 25th 1716.

May it please your Ex^{cy} and Hon^{rs}

The Com^{tee} of Aggrievances has made the following report (Viz)

That law now in force against strikeing of fish does not answer the Intent designed in regard that there can be no method found to prevent those people that live convenient by the water side they haveing opportunity to strike fish undiscovered when those that live a distance off dare not attempt for fear of being discovered with the fish and so lyable to the penalty of the said Act.

And that, that law Intituled an Act for releiveing the Inhabitants of this Province from some Aggrievances in the prosecution of Suites at law pvents the Plaint^{fs} bringing any actions ag^t the Residents of the Province in the Provincial Court wherein the Debt or Damages does not amount to above 5000 pounds of To^{bo} or Twenty pounds but the def^{ts} are left at their liberty when sued in the County courts to remove the said actions by Habeas Corpus to the Provincial court if the Debt or Damages in Demand to amount to above fifteen hundred pounds of To^{bo} or six pound five shillings & therefor it is hoped, that the same shall be prevented by a Supplementary bill to the said Act. On reading which it was resolved that the same were aggrievances and that the same ought to be provided against (Viz) The former by a bill repealing the Act against Strikeing of fish and the Latter by a Supplementary bill to the Act releiveing the Inhabitants of this Province from some aggrievances in the prosecution of Suites at Law and pray your Ex^{cy} and hon^{rs} concurrence.

Signed p order. Tho. Macnemara Cl: Lo: ho:

Sent to the Up^r house by Cap^t Mariartee, M^r Hill Cap^t Codd M^r Edw^d Wright, Cap^t Jowles and M^r Dashield.

They return and say they delivered it

L. H. J.

Then the house proceeded to consider of the order made the 7th of May 1715 last about a place to build a new Court house for Cecill County on with the Sherriffs return thereof, which was ordered to be entred as follows viz.

To the Hon^{ble} Assembly within mentioned.

I Certifie that according to the within order to me directed I affixed notes at the several publick places as within required to give notice to the people of the within mentioned County to meet at the day and place within appointed for to give p. 162 their free votes where a new Court house should be built in the said County at which day and place some of the people did meet and the Majority of voices then was for the head or fforck of Elk River as by the pole Bill hereunto annext may appear. So answers

Roger Larramore Sherr.

But for as much as the members of the said County declared that both partys that voted for the fforck of Elk river and Broxton point did it in Contradiction one to the other rather than designeing any conveniency to the County in general and for that a due Decorum was not observed in takeing the poll; and also for that many of the Inhabitants were absent when the same was taken, And whereas it is also represented that the generality of the free holders of the said County are against both the said places, It is therefore Ordered the said Return be rejected and the said order made on the 7th of May 1715 be renewed to be executed on the first tuesday of 7^{ber} next returnable to the next Sessions thereafter.

The petition of Thomas Randal and James Egerton praying leave to bring in a bill to cutt off the Entayle of a tract of land called Piscataway Containing 2400 Acres being read and the Question putt whether the same shall be Rejected—

Resolved in the Affirmative.

A Bill supplying the defects in John Parramores Will was read in this house a second time, and will pass and so Endorsed.

Then the house adjourns till one a clock in the afternoon

Then the House being called over was present as in the morning

The Petition of Susannah Johnson of Ann Arundell County praying leave to bring in a Bill to Supply some defects in John Raymond her husbands will being read, is Referr'd to the Com^{ee} of Aggrievances who are to Examine the truth of

L. H. J. the allegations of the Pet^r and Report thereon with all convenient Speed.

Col Coursey and L^t Co^l Tilghman from the Upp^r House deliver M^r Speaker

The following, which being read was ordered to be Entered as follows.

By the Upper House of Assembly
July 25th 1716

Gent.

This house have Resolved to address his Lordship the Lord Proprietary on his restoration to his Government of this Province and desire you will Joyne therein and appoint some of your members to Joyne the Hon^{ble} Co^l Coursey, and Co^l Tilghman appointed by this House to draw up the said Address and meet them at M^r Kennedys about Six of the Clock this Evening.

Signed p order W Bladen Cl. Up^r ho.

Whereupon M^r James Lloyd, John Rousby Esq^r Maj^r Bradford and Cap^t Greenfield are appointed to Joyne the said Co^l Coursey, and L^t Co^l Tilghman at the time and place appointed and the following message was thereupon prepared

By the Lower house of Assembly
July 25th 1716.

May it please your Hon^{rs}

In compliance with your Message by the Hon^{ble} Co^l W^m Coursey and L^t Co^l Richard Tilghman, M^r James Lloyd, John Rousby Esq^r Maj^r John Bradford, and Cap^t Thomas Trueman Greenfield are appointed to meet, the said Co^l W^m Coursey and L^t Co^l Tilghman at the time and place in the said message mentioned to draw up the address

Signed p order Tho. Macnemara Cl. Lo. ho.

Sent to the Upper house by M^r James Lloyd Maj^r Bradford and Cap^t Greenfeild

They Return and say they delivered the message

The house adjournes till to morrow morning 8 a Clock

Die Jovis Vicesimo Sexto Julij 1716

The house was called over and the members were present as yesterday only Cap^t frisby who is sick and is therefore Excused.

And the proceedings on Yesterday were read.

L. H. J

Resolved that 22 members and the Speaker be a sufficient number to proceed on any Business.

The petition of Thomas Macnemara Clerk of this house p. 163 praying that in Regard in Aprill Assembly 1715 It was ordered, that he should be payed all his allowances in Ann Arundell Calvert and Prince Georges Countys, and that notwithstanding such order, the Com^{ee} for laying and apportioning the publick levy last year ordered him above ten thousand pounds of To^{bo} part of his allowance in Somerset County whereof he could not gett any part that he may be allowed Something for the difference in Goodness between the To^{bo} of that County and the To^{bo} of the said three Countys was Read and Rejected nemine Contradicente

M^r Tyler from the Com^{tee} of Aggrievances delivers M^r Speaker the Petition of Alexander Mackey to them referred for examination with the following Report thereon Endorsed

By the Com^{ee} of Aggrievances
July 25th 1716

Upon reading the within Petition and hearing the allegations as well of the within named Alexander Mackey by his Council in relation to the premises within Contained as one Richard Thatcher against the bringing in the bill within prayed as also upon due examination made into the papers by both partys to us produced, Wee find the said Richard Thatcher to have a deed bearing date after the deed within mentioned Executed by the within named Robert Hughes for the within land and acknowledged before one of the Justices of Salem County in the Province of West new Jersey and Recorded in Cecill County Records, and the consideration mentioned, in the said deed is the sume of Thirty pounds current money of America which consideration sume the said Thatcher offers to give his oath to the true payment thereof which is more then doeth appear to us in favour of the said Alexander Mackey in Relation to his right to the said land nor does the said Mackey make appear any consideration payd his deed mentioning no certain Sume and further the said Thatcher alleadges that the said Mackey was privy when he was treating to buy the said land of the said Hughes, and told him that if he bought the land for the Consideration a^d he would have a good bargain but did not acquaint him of any right he had to the said land by a purchase from the said Hughes all which wee referr to the consideration of the house

Signed p order John Beale Cl. Com^{ee}

L. H. J. Which being considered the said Petition is rejected nemine Contradicente.

And also Delivered M^r Speaker Susanna Raymond's Petition thus Endorsed

By the Committee of Aggrievances
July 25th 1716.

Pursuant to the above wee have called before us the within named Abraham Child who declares that the within named John Raymond deceased did give the lands within mentioned to the within named Susannah his wife and her heirs forever, at the time of makeing his last will and ordered his will to be so drawn, but the said Child thro' Ignorance omitted to Express the Intent of the said Testator in them words the said Child being the person that writ the said Raymonds will

Signed p order John Beale Cl. Com^{ee}

On reading of which It's ordered Nemine Contradicente That leave be given for bringing in of the bill.

John Hall Esq^r from the Upper house delivers M^r Speaker the following,

Which being read was ordered to be Entered (Viz)

By the Up^r house of Assembly
July 25th 1716.

Gent.

p. 164 In answer to your Message this morning by Cap^t Mariarte and five other members of your house Wee acquaint you that wee doe agree the act ag^t Strikeing of ffish should be repealed for the reasons in your Message given. But as to the Supplementary bill proposed wee are of oppinion should this house agree thereto It would not only be repugnant to the laws of great Brittain but be an Invasion on the Subjects common Birth right of makeing use of such writs

Signed p order W Bladen Cl Up^r ho.

It is thereupon ordered that the Committee of Laws prepare and bring in a bill Repealing the said Act against Strikeing of ffish and the house took into Consideration that part of the said message relateing to the Supplementary bill to the act relieving the Inhabitants of this Province from some Aggrievances in the prosecution of Suits at Law and ordered that a Message be prepared which being read was entred as follows:

By the Lower house of Assembly
July 26th 1716.

L. H. J.

May It please your Honⁿ

On reading the latter part of your Message of the 25th instant by the Hon^{ble} John Hall Esq^r about the Supplementary bill to the Act releiving the Inhabitants of this Province from some Aggrievances in the prosecution of Suits at law, Wee are of opinion that since the legislature of this province has thought it fitt the advantage of the Inhabitants by that Act to restrain any Plant^t from sueing their debtors being Inhabitants in the Provincial Court where the debt and demand does not Exceed 5000^l Tob^o or 20^l that there is as much reason by the Supplementary bill proposed to restrain the defendⁿ from removeing such suits by Habeas Corpus to the Provincial in order to gratifye their litigious temper and weary out the Plantif with great charges and long attendance who is obliged to bring his action in the County court and not Elce where, and where the Pl^{tf} not for seeing the removal must be presumed to have provided for Tryall, and that therefore the Supplementary bill proposed can be thought a greater Invasion on the Birth right of the Subjects whereby the defendant is to be restrained from removeing the suite before tryal than to Prevent the Pl^{tf} from bringing it where he pleases and therefore hope your Honⁿ will agree to the Supplementary bill proposed.

Signed p order Tho: Macnemara Cl Lo. ho.

Sent to the Upper house by Co^l Mackall, M^r Hill M^r Brannock M^r Hopkins M^r Rich^d Warfield M^r Hanson M^r Pollard and Cap^t Codd.

They return and say they delivered it

Phil Lloyd Esq^r from the Up^r house delivers M^r Speaker the following message (Viz)

By the Upper house of Assembly
July 26th 1716.

Gent.

Wee desire that the delegates of the several Countys If they can will lett us know what Tobacco has been raised in their Respective County levyes the last year 1715, for defraying the charge of Squirrells and Crows heads some of the Clerks not haveing returned their County leavies

Signed p order W Bladen Cl Up^r Ho:

Col Addison from the Up^r house delivers M^r Speaker the following message (Viz)

L. H. J. The Petition of the Justices Grand Jurors free holders & free men Inhabitants of Calvert County thus Endorsed (Viz)

By the Up^r house of Assembly
July 26th 1716.

Tho' the appointing where Courts shall be held be wholly
p. 165 a matter in his Lordships the Lord Proprietary's prerogative yet to Gratifye the Petⁿ we Recomend the petition to your recommendation where the place may be proper to build a new Court house on for Calvert county and to prepare a short bill Impowering the Justices of that County to purchase a reasonable Quantity of Land to build the said Court house on and to Leavye the necessary charges of the same

Signed p order W Bladen Cl. Up^r ho:

And on full consideration and debate had thereon the said petition is rejected

The house adjournes till one in the afternoon

And the house was then called over and the members were present as in the forenoon

M^r Bordley from the Co^mittee of Laws delivers M^r Speaker a bill for the Securety of the peace and Safety of his Lordships Governm^t and the Protestant Religion within this Province,

Which was read the first time and Co^mitted for amendment

The Report of the Co^mittee of Accounts of the 24th instant on John Rousby Esq^r his account of the 3^d p^h appropriated for the purchasing armes and Amunition for defence of this Province from the 9th of November 1707 to the 28th day of October 1715 being reasumed was ordered to be again read.

And a motion made the Question was putt whether his accounts as now Stated shall pass and be allowed of or not.

Resolved in the negative by Majority of Voices.

And thereupon It was ordered that the same be referred for further consideration

The Honourable Co^l Coursey Co^l W^m Whittington and L^t Co^l Richard Tilghman deliver M^r Speaker the following Message, (Viz.)

By the Up^r house of Assembly
July 26th 1716.

Gent.

In answer to your Message by Co^l Mackall and others It is the opinion of this house that altho' the Legislature of the

Province to redress a general aggrievance Complained of and L. H. J. represented from all parts of this Province have (giveing way to the hard circumstances of the Inhabitants) thought fitt to oblige the Pl^{ts} in any action not Exceeding 5000^l To^{be} or twenty pounds to sue in the County courts and not Else where yet wee cannot think this aggrievance now proposed has any Colour of being general or any ways foresee any greater hardships to the Pl^{ts} here then what his Majestys Subjects of England lye under being obliged to follow their causes to the Superior courts provided such habeas Corpus be duely obtained (That is to say) the previous requisites performed in order for the attainment thereof (viz) good security given to abide the Superior courts Judgment and a Judges allowance on the Back of the writ, and like wise that it is offered before the Issue Joyned or any one Juror sworne in the lower Court, and not for a less sune than limited, so that what you offer wee conceive has no weight in Ball. with the other General aggrievances of many people being brought to the Provincial court where they have neither Neighbours or freinds to baill them to their Great expence and Impoverishment but if it should be granted because the legislature has thought fitt to Enact the other for the defendants advantage and at their prayer yet wee think it will still be invadeing the Subjects birth right to deny the def^{ts} the benefit of the Laws to favour p. 166 the plaintiffs, especially when it is considered that it may often happen that Pl^{ts} interest in the County may be farr more prevalent than the defendants, so that he cannot reasonably expect an Impartial tryall there, and it is further observed that since the people have desired to be sued in their own Countys it is not likely they will remove any Suits unless there be Especial cause which wee Can't see any reason to debarr them of.

Signed p order. W. Bladen Clk. Up^r Ho:

The Hon^{ble} Tho^s Brooke Esq^r from the Up^r House delivers M^r Speaker the petition of some of the Inhabitants of the South side of Patapsco in Baltemore County praying to be severed from Baltemore County & united to Ann Arundell County Endorsed thus (viz)

By the Upper house of Assembly
July the 26th 1716

The petition being thought reasonable by this House wee doe recomend it to your house to admitt a bill to be brought

L. H. J. in for annexing that part of Baltemore County now on the South side of Potapsco to Ann arundell County as prayed

Signed p order W Bladen Cl. Up^r ho :

The house adjournes till to morrow morning 8 a Clock

Die Veneris 27^o Die Julij 1716^o

The house mett and members being called over were present as yesterday

Then the proceedings of yesterday were read.

On a motion made that the Question be putt whether It shall be further insisted on, by a Supplementary bill to the acts about relieving the Inhabitants of this Province from some aggrievances in the prosecution of suites the defend^t be restrained from removeing a Suite brought against him in the County court for any demand not Exceeding 5000^{li} Tob^o or 40^{li} to the Provincial court,

Resolved in the affirmative by Majority of votes.

And thereupon the following Message being prepared is ordered to be Entred as follows (Viz)

By the Lower House of Assembly
July 27th 1716.

May it please your hon^{rs}

As further reasons than what wee have hereto fore offered for passing the supplementary bill proposed, Wee begg your Hon^{rs} will consider that the end of the act for the speedy recovery of small debts in the County courts will be Ended and merchants and traders hindred from recovering their debts the first court according to the designe of the said Act if removealls by Habeas Corpus be not prevented which will not only very much discourage Trade but be a means to Impoverish the Inhabitants and if such Suites be removed the defend^t will have a great opportunity to Demurr to the P^{rs} declaration which thro' the general unskilfulness of the County courts attorneys are for the most part faulty and if the removealls be restrained and the cause tryed in the County courts these faults are in a great measure aided by several Statutes after tryal and therefor hope you'l agree to this Bill that a remedy may be provided for the P^t Equal to that which is provided for the defendant.

Signed p order. Tho^s Macnemara Cl: Lo: ho:

Sent to the Up^r House by Co^l Hoskins M^r Pollard, M^r Bran- L. H. J.
nock M^r Tayler, M^r Hopkins and Cap^t Dallahide.

They return and say they delivered the message

M^r Bordley from the Comittee of Laws delivers M^r Speaker
A Bill laying an Additional duty of 4ⁿ Sterling p poll on
negroes and Irish Servants and it being moved that the former
vote whether the 4ⁿ shall be sterling or Current be reasumed
the Question was putt whether the additional duty shall be
4ⁿ sterl or 4ⁿ Current. Resolved it be Currency and, Ordered
the bill be amended accordingly and that it shall be read to
morrow morning.

And also M^r Bordley delivers M^r Speaker, A Bill for the p. 167
Releif of Peter Sewell which was read the first time & ordered
to be read a second time to morrow morning

The Petition of the Inhabitants and Tradesmen in and about
Annapolis praying that a Law may be made to give them
leave to pay their Leavyes and officers fees in money Com-
puteing To^{bo} at 1^d p pound was read & rejected

The petition of Richard Thatcher praying leave to bring in
a bill to supply the Defect in Conveying 100 acres of land
part of a tract called Levell in Cecill County to him Conveyed
by Rob^t Hughes was read and ordered the said Petition be
referred for Examination to the Com^{rs} of Aggrievances and
make their report thereon to this house with all convenient
Speed.

The house adjournes till 1 in the after noon

And the house was then Called over and the members were
present as in the morning

On a motion made the Question was put whether a bill shall
be brought in giveing liberty to the Inhabitants of this Pro-
vince to pay their leavyes and officers fees in money at the
rate of 1^d pⁿ or in Tob^o when they please

Resolved in the Negative.

A Bill Impowering the Surviveing Ex^r of the last will and
testament of Rob^t Smith Esq^r of Talbott County decēd to
sell lands for the pay^t of his debts and to make other lands
according to the decds will &c: was read the first time and—

Ordered a second reading to morrow in the afternoone.

The humble petition of Will^m Jones a minor of 18 years of
age the son and heir of Thomas Jones late of Sumersett County
decēd praying leave to bring in a bill to Supply the defects of
a certain deed from Joseph Bridgers to the Pet^r father in his
life time &c: Which being read—

L. H. J. It is ordered that the parties Concerned doe forth with attend the house.

Whereupon M^r Macnemara of Council with the Pet^r and M^r Worthington on behalf of the Widdow of Robert Catherwood being heard at the barr & the allegations on both sides being considered

The Question was putt whether leave shall be given to bring in the bill prayed for.

Resolved in the Affirmative Nemine Contradicente

Ordered that leave be given to bring the bill as prayed.

M^r Bordley from the Comittee of Laws delivers M^r Speaker the Comitted bill for better security of the peace and Safety of his Lordships Government and the Protestant interest within the Province, which was read the second time after the amend^{mts} made and will pass & so Endorsed.

Sent to the Upper house by M^r Tyler Cap^t Greenfield Maj^r Harris M^r Hill M^r Tasker M^r Natha. Dare, Co^l Maxwell, Co^l Hoskins M^r James Lloyd, M^r Sam^l Hopkins M^r Brannock, M^r Vanderheyden & M^r Charles Wright

They returne and say they delivered the bill

p. 168 M^r Bordley from the Comittee of Laws delivers M^r Speaker A Bill directing the manner of Electing and sumoning delegates and representatives to serve in succeeding Assemblies and for Ascertaining the Expences of the Councill^{rs} Delegates of Assembly and Comissioners of the Provincial and County Courts of this Province which was read the first time and Ordered a second reading to morrow in the afternoon.

Whereas this house has been Informed that some persons (Viz.) Edward Coyle and William Fitzredmund both of Annapolis have been in the Custody of the Sherriff of Annarundell County till they should pay some fines on them Imposed for some Treasonable Practices they were found guilty of against his Sacred Majesty King George and that the same persons were discharged unduely,

It is ordered that the Sherriff appear before the Barr of this house and shew by what authority he discharged them.

Whereupon the Sherriff appeared before the barr of this House and produced two Receipts from under the hand of Charles Carroll Esq^r acknowledgeing the receipt^t of the said fines from the said persons on which they were sett at large which receipts were ordered to be entered as followeth (Viz)

July 10th 1716

Then received of Edward Coyle fourty pounds Current money in Satisfaction of a fine for that sume this day Imposed

on him by the Justices of Oyer and Terminer and Goal L. H. J
delivery for Annarundell County and City of Annapolis I say
received by vertue of the Right honourable the Lord Prop^r
Comision approved by the R^t Hon^{ble} fra: Lord Guilford his
Guardian the day & year above mentioned.

Charles Carroll.

July the tenth 1716

Then received of William Fitzredmund Sixty pounds
Current money in Satisfaction of four severall fines, one for
five pounds Imposed on the said Will^m for an Assault made
on a certain Jn^o Novarr another for the same account for ten
pounds & a third on the same account for fifteen pounds & a
fourth for drinking the Pretender's health for thirty poun^{ts}, I
say received by vertue of the Right Hon^{ble} the Lord Prop^r
Comission approved of by the Right Hon^{ble} Francis Guilford
his Guardian the day & year afors^d

Charles Carroll

Whereupon It is Ordered that the said Charles Carroll be
required to attend this house, to shew his qualifications to
execute the said Commission. The said Charles Carroll
accordingly appeared & M^r Speaker asked him whether he
had received the said fines by vertue of the said Comission
and whether he had taken the oaths before he executed the
said Comission Who did answer that he did receive the said
fines by vertue of the said Commission but never qualified
himself by takeing the oaths, And that his Excellency the
present Governour tendered him the oaths and that he refused
to take them, for that he knew no law but the Act of Assembly
made the first year of the King that Requires the takeing
any, and that act directs the takeing of the oath of abjuration
which he refused to take.

Thereupon Nemine Contradicente—Resolved that the said
fines and forfeitures doe belong to the right Hon^{ble} the Lord
Prop^r by his Prerogative and are not any part of his private
Estate.

And also Nemine Contradicente—Resolved the said Charles
Carroll receiving the said fines without takeing the oaths
is contrary to the known laws of this Province and an
Inroade upon our Constitution

The house adjourns till 8 a Clock to morrow morning.

Die Saturn 28th die July 1716.

The house mett and the members being called over were
present as Yesterday.

L. H. J. Then Yesterday's proceedings were read.
p. 169

A Bill laying an Additional duty of 4^h p poll on Negroes and Irish Servants was read the second time and will pass and so Endorsed sent to the Upper house by M^r Tyler Cap^t Mariartee Co^l Hynson and M^r Pollard.

They return and say they delivered the Bill

M^r William Sweatnam Sherriff of Queen Ann's County returns the writ for Electing delegates to serve in Assembly the 23^d day of Aprill 1716 to him directed and the same is taken as a good and due return of the said writt

On a motion made that whereas M^r Edward Wright has with drawn himself from the publick Service and gone to his habitation on a presumption that he had the leave of this house,

Resolved by majority of Votes that such his withdrawing himself and departure is Contrary to the known rules of this House and therefore he ought to be fined therefor of which fine the House will Consider on Monday next.

M^r Bordley from the Co^mittee of Laws delivers M^r Speaker the following Report which is ordred to be Entred as follows (Viz)

By the Co^mittee of Laws

July 28th 1716

On the Reference of the House to this Co^mittee of the 24th instant concerning the manner of the Support formerly provided for the members of his Lordships Council, It is humbly reported that there being Several laws relateing thereto and the present business of this Comittee being other wise very weighty It may be fitt to referr the consideration thereof to some farther opportunity

Signed p order Mich: Jenifer Cl Com^{rs} Laws.

It is therefore

Ordered that the said matter be referred for further Consideration till next Session.

Col Coursey Co^l Ennalls John Hall Esq^r and Co^l Thomas Addison deliver M^r Speaker the following Message

By the Upper House of Assembly

July 28th 1716

Gent.

Inclosed wee send you a Rough Draught of an Address or Application to his Lordship the R^t Hon^{ble} the Lord Prop^{ty} some what altered since drawn up by the Co^mittee and desire you if you think fit to Joyne with us therein and add thereto what

you think proper, Wee observe to you that altho in the direction the Lord Prop^r's Guardian is named, yet it is to the Lord Prop^r in his politique Capacity Wee address our selves. L. H. J. p. 308

Signed p order W Bladen Cl: Up^r house.

And also the address therein mentioned which being read is Ordered to be laid on the Table for a second reading.

L^t Col Richard Tilghman and Co^l Thomas Smith from the Upper house deliver M^r Speaker the following Message (Viz)

By the Upper house of Assembly
July 28th 1716

In answer to your Message on Thursday last by Co^l Hoskins and three other of your house Wee offer that as it is Evident the people think it a Benefit to be prosecuted in the Countyes where they live Wee cannot believe that they will think it their interest to remove their Causes to a Superior Court unless in extraordinary cases which they ought not to be debarred of and since that the act of Assembly for speedy recovery of debts has been in practice near twenty years and no general Complaint made of the Inconveniency you now start, Wee are unwilling to putt a stop to the process of the Common law Which is every mans birth right and therefore desire you will not further insist on this matter p. 170

Signed p order W Bladen Cl: Up^r ho:

The house Adjournes till one a Clock in the afternoon

The house being called over was present as in the morning

Then the house proceeded to consider of the Message of the 24th instant sent from the Upper house by the Hon^{ble} Thomas Brooke Esq^r and nine others in answer to which the following message was prepared, which was ordered to be Entred as follows.

By the Lower house of Assembly
July 28th 1716.

May It please your Ex^{cy} and Hon^{rs}

The purport of your Message of the 24th Instant by the Hon^{ble} Tho^s Brook Esq^r and nine others of the Hon^{ble} members of the Upper house requiring the utmost Deliberation has been the Reason that the answering the Same has been so long deferred, This house haveing Considered of the two proposalls thereby made by order of the Right Hon^{ble} the

L. H. J. Lord Prop^y about our land rents has resolved to lay an additional duty of 6^d Ster p hh^d of To^{bo} to be payd his Lordship in full recompence of the said Land rents and fines for alienations. And for as much as the duty of 6^d p hh^d to be Imposed on Tob^o seems to be so great a burthen on that trade—Wee pray that the 3^d p hh^d for the defraying the publick charge of this Province may be taken away haveing Endeavoured to provide a Suitable Support for that by the proposed bill about Negroes and Irish servants and pray your Ex^{ac^y} and honours concurrence therein

Signed p order Tho: Macnemara Cl: Lo: Ho:

Sent to the Upper house by Co^l Hoskins, Co^l Herman M^r Robbins M^r Baker, M^r ffendall, Co^l John Ward, M^r Charles Wright Maj^r Hawkins Cap^t Jowles M^r Hopkins Cap^t Colegate M^r Bond M^r Waghop M^r Young and M^r Turbutt

They return and say they delivered it

M^r Mathias Vanderheyden haveing this day received Information of his family being sick has leave to depart this house for this Session

Co^l Coursey Co^l Ennalls Co^l Young John Hall Esq^r and Co^l Whittington deliver M^r Speaker the following

Bill for the Better security of the peace and Safety of his Lordship's Government &c: and the Protestant interest within this Province. Thus Endorsed—

By the Up^r house of Assembly
July 28th 1716

p. 171 This bill being read in this house It is remarqued that the appropriacōn of the fine therein is not Sufficiently exprest and therefore it is desired It may be applyed to the benefit of free schools and that there wants a Clause to be added, that in case any person Who holds an office or trust in this Province and has taken the oaths Enjoyed by this law shall afterwards be present at any popish Assembly Conventicle or meeting and hear Mass or receive the Sacrament in that Communion he shall not only forfeit his office and incurr the penalty in this Act limited but also be Incapable of takeing holding or Executeing any Comission in this Province untill he shall be publicly reconciled to the Church of England & receive the Communion therein and further in regard his Lordship may not suffer in his private Estate, It is recomended that an Exemption be made in this Act that it shall not extend to the Collection of his Lordships rents or to the granting his land or his Lordship's Private affaires no wayes relateing to the

publick untill his Lordships pleasure is further known but to L. H. J.
all matters and things relateing to the Government

Signed p order W Bladen Cl Up^r ho :

On Consideration whereof the following Endorsment was
ordered to be made thereon (viz)

By the Lower house of Assembly
July 28th 1716

May it please your Hon^{rs}

Your Endorsment on this bill being Considered, wee
readily agree to the two first amendments thereby proposed
as being highly necessary for the due execution of the said
Law, but the third and last amendment as proposed will give
a greater liberty than has been given by the Act made in the
first year of the Reigne of his present Majesty entituled an
Act repealing a Clause in an Act of Assemby entituled an act
for restablishment of Religious Worship within this Province
and also appointing the oath of Abjuration to be taken within
this Province and another act requireing the agent of the
Lord Baltemore to certifie into the Secretary's office the
Instructions and Conditions of Plantations with the fees by
them Demanded and obligeing his Lordships Deputy Sur-
veyors to qualifye themselves according to law which we pray
your Honours will be referred to, on perusal of which it is
hoped your Hon^{rs} will not further insist on the said 3^d pro-
posed amendment, but if any Expedient can be found for the
giveing any Just and reasonable latitude therein without
running Counter to those laws which wee are not willing to
give up wee shall readily agree thereto, wee also propose that
the penalty of 500^l mentioned in the Bill be reduced to half.

Signed p order. Tho: Macnemara Clk : Lo: Ho:

Sent to the Up^r house by M^r Stoddert, Cap^t ffendall, Cap^t
Jowles & M^r Pollard.

They return and say they delivered the bill

The said Co^l Coursey with 4 other delivered M^r Speaker
the bill for laying an additional duty of 4th p poll on negroes
and Irish Servants thus Endorsed (Viz).

By the Upper house of Assembly
July 28th 1716

p. 172

This Bill read in this house the first time and will pass with
these amendments Viz. That six moneths time be thought

L. H. J. notice Enough for the law to take place and that there be an Exemption for the duty on Negroes Imported by Vessells wholly owned by the Inhabitants of this province.

Signed p order W Bladen Cl. Up^r Ho:

Whereupon the following Endorsment was ordered to be made Viz.

By the Lower house of Assembly
July 28th 1716

May It please your Honours—

Your endorsment on this bill being Considered wee are of Opinion that Sufficient Encouragement is already given by former laws to the Countrey owners of Vessells and therefore hold it needless further to encourage them least wee should be censured by floreigners of partiality and also give an opportunity to some by bringing Negroes and Irish Servants from Neighbouring Provinces to elude the said Act therefore wee cannot agree to the Exemption proposed.

Signed p order. Tho. Macnemara Cl: Lo: Ho:

Sent to the Upper house by Maj^r Harris Cap^t Codd and M^r Tyler

Who return and say they delivered the Bill.

Col Coursey Co^t Ennalls, L^t Co^t Young John Hall Esq^r Co^t Whittington and Co^t Smith, Deliver M^r Speaker the following Message (Viz)

By the Upper house of Assembly
July 28th 1716

Gent.

On due Consideration of your Message by Co^t Hoskins & fourteen more of the members of your house Wee acquaint you that wee doe approve of your proposalls therein and unanimously Concurr therewith

Signed p order W Bladen Cl. Upp^r Ho:

It is therefore ordered that the Com^{ms} of Laws doe prepare and bring in a bill accordingly.

Col Ennalls also delivers M^r Speaker the foll: Letter from M^r Carroll to his Ex^{ncy} and the message there under.

Annapolis July the 28th 1716

May it please your Ex^{ncy}

I hope it will not look Improper to Inform your Ex^{ncy} that I understand the officers thrô whose hands the money to be

payd the Lord Prop^r in Compensation of his rents & for L. H. J.
Support of Government has passed doe intend to burthen the
said Revenue with a discount of 8 p C^t and five p C^t if so the
Lord Prop^r will fall short of the Compensation proposed p
the Countrey by so much as the said discounts will amount
unto, which will be very Considerable and which I have reason
to believe he does not Expect This I intimate that such
measures may be taken as shall be thought fitt to have the
Revenue come to his Lordship without such an unexpected
defalcation. I am Your Ex^{cy}s most humble Ser^t

Charles Carroll

By the Upp^r house of Assembly
July 28th 1716

His Excellency haveing Communicated this letter to us p. 173
and Informed us that the Lord Benedict Baltemore dyeing
before he could declare his acceptance of the 18^d p hh^d on the
terms in the Law proposed was the occasion that the said
duty was not collected by his Lordships receiver and for as
much as the Assembly have appointed a Reward for those
officers that have gathered that duty who have done their
offices and must be satisfied therefor, and that he is of
opinion some reasonable recompence ought to be made the
present Lord Proprietary for the defalcation of the officers
Sallary since Michas. last Wee think his Ex^{cy}s opinion is
highly reasonable that such recompence he made to his Lord-
ship therefor and do recomend it to your house to consider of
the wayes and means.

Signed p order. W Bladen Cl : Upp^r Ho :

Which being considered the following Message was pre-
pared

By the Lower house of Assembly
July 28th 1716

May It please your Hon^{rs}

On reading M^r Carrolls Letter to his Excellency of this
day together with your Message thereunder writen relateing
to a Compensation to be made to the Lord Proprietary for the
several Sallarys of 8 & 5 p C^t on the 18^d p hh^d provisionally
granted to the R^t Hon^{ble} Benedict Lord Baltemore in con-
sideration of his acceptance of his rents in To^{bo} at 2^d p^{lb} Wee
are of opinion that the said duty subject to the payment of the
said Sallarys is a Sufficient Compensation for his accepting of

L. H. J. To^{bo} at 2^d p £ for his land rents and therefore Cannot agree to Raiseing any fund to answ^r the said Sallarys.

Signed p order Tho: Macnemara Cl: Lo: Ho:

Sent to the Upper house by Co^l Maxwell M^r Hill M^r Pollard and M^r Brannock.

They return and say they delivered it

Co^l Coursey from the Upper house delivers M^r Speaker the following Message (Viz)

By the Upper house of Assembly
July 28th 1716

Gent.

On reading your last Endorsment on the Bill for the Better security of the peace and Safety of his Lordships Government, and the Protestant Interest within this Province, Wee assure you It never was our Intention to derogate from any of the acts of Assembly mentioned in the said Endorsment and therefore shall retaine the bill for further Consideration

Signed p order W Bladen Cl: Up^r Ho

A Bill Impowering the surviveing Ex^r of Robert Smith Esq decēd to sell lands &c: was read the second time according to the order of Yesterday and will pass and so Endorsed Which bill together with the Bill Supplyeing a defect in John Paramores Will was sent to the upper house by John Rousby Esq^r M^r William Young, Maj^r Hawkins and M^r Hanson

They returne and say they delivered them.

Co^l from the Upper house delivers M^r Speaker a bill laying an additional duty of 4^h p poll on Negroes and Irish Servants thus Endorsed.

By the Upper house of Assembly
July 28th 1716

p. 174 Read the second time and will pass.

Signed p order W. Bladen Cl: Up^p Ho:

Which bill was read the third time in the house and past for Engrosseing

A Bill directing the manner of Summoning and Electing Delegates was read the second time and Committed for amendment.

On a motion made the Question was putt whether the two L. H. J. Burgesses for Annapolis shall be allowed Equall to other delegates or not.

Resolved in the affirmative.

The ffollowing message was approved of and Entred (Viz)

By the Lower house of Assembly
Jully 28th 1716

May it please your Hon^{rs}

Pursuant to your Message of the 26th instant by the Hon^{ble} Phil: Lloyd Esq^r wee send you such an account as the several delegates by Guess can give of what Tob^o has been raised in the several Countyes for squirrells and Crows heads in the year 1715 (Viz) in St Marys County 45000^h in Charles County 46000^h in Kent County 45000 in Prince Georges 51500^h in Calvert 62000^h in Dorchester 60000^h in Talbott 45000 in Cecill 27000^h in Somerset 140000 in Queen Anns 24000 in Baltemore 26000 in Annarundell 40000.

Signed p order. Tho: Macnemara Cl: Lo: Ho:

Sent up by M^r Charles Wright and M^r Turbutt

They return and say they delivered it.

Col Thomas Addison, Philemon Lloyd Esq^r L^t Co^l Richard Tilghman, and Co^l Thos: Smith from the Upp^r house deliver M^r Speaker the following Message.

By the Upper house of Assembly
July 28th 1716

Gent.

Wee herewith send you the Rough draught of an Address voted in our house to be presented to his Ex^{ncy} the Governour and desire you will add thereto or retrench from it what you Judge fitting & then Joyne with us therein

Signed p order W Bladen Cl: Upp^r Ho:

Together with the address therein mentioned which was read the first and second times and the House agrees there with, and thereupon the following Message was prepared (viz.)

By the Lower house
July 28th 1716

May it please your Hon^{rs}

The Rough draught of an Intended Address to his Ex^{ncy} brought down this morning by the Hon^{ble} Co^l Addison, and

L. H. J. three more of the Hon^{ble} members of your house being read this House approves thereof and will readily Joyn with your Hon^{rs} therein, and have ordered the same to be Engrossed with all speed

Signed p order Tho: Macnemara Cl: Lo: Ho:

Sent to the Upper house by M^r Stoddert and M^r Turbutt And the said Address to his Ex^{cy} is ordered to be Entered as follows (Viz)

To his Ex^{cy} John Hart Esq^r Cap^t Generall, and Governour in Chief in and over this Province &c:

The humble Address of the Upper and Lower house of Assembly

May it please your Ex^{cy}

p. 175 It is Impossible wee should forget the late audacious Wicked and Rebellious practices of many disaffected persons in this Government against our most Gracious Sovereign Lord King George whom God long psper and that at a time when the Rebells to his Ma^{ty}s Crown of great Brittain gave us no small uneasieness and them no less hopes of prevailing against us, so your Ex^{cy}s Zeale on that occasion for his Ma^{ty}s service and exact discharge of your duty in Issueing several seasonable proclamations to suppress their seditious and Treasonable devices and to detect their practices Especially that proclamation wherein your Ex^{cy} offered and since has given a Considerable sume of money out of your pocket for the discovery of those who fired the Great Gunns in this City in the Night of the last supposed anniversary day of the Birth of the Person commonly called the Pretender and your bringing to condign punishment the offenders lately prosecuted before the Special courts of oyer and Terminer and Goale delivery will ever remain a lasting proof of your Loyalty to his most sacred Majesty fidelity to his Lordship & Kind inclination to preserve the peace and well fare of this Province for all which and many more acceptable benefitts, wee have received from your Ex^{cy}s Just administration of the Government ever since Wee have been so happy to have you preside over us, Wee are obliged in duty and gratitude to return you our most thankful acknowledgements, Which wee humbly desire you to accept from our hearts as well as hands.

We are sorry to find the Right Honourable our Lord Prop^{ty} should be prevailed on by the artifices of any Evil designing persons, who can have no good will to our peace or prosperity [nor] any true regard to his Lordships interest to lop off so many

branches of the powers and authorities he has been pleased to L. H. J.
grant you by his Commission for the Government here, and
which you formerly so worthily Exercised under the Crown
and particularly that relating to the naval office which by the
laws of great Britain and his Maty^s Royal Instructions are
positively lodged in your Ex^{cy} but more particularly that those
powers and trusts should Contrary to the Known laws as well
of great Britain as of this Province be wrested from your
Ex^{cy}, and intrusted in the hands of Papists who have refused
to qualify themselves for the execution thereof by taking the
oaths appointed by our Acts of Assembly and that whilst your
Ex^{cy} according to the duty of your Station is doing his Lord-
ship the Lord Proprietary what we take to be most eminent &
acceptable Service by Endeavouring to obviate their Encroach-
ments upon the Govern^{mt} and Constitutions here we are given
to understand, that it is by their subtle Insinuation your
authority is so much diminished that you have been obliged
to write to his Lordship and his Noble Guardian to beg leave
to be recalled since you conceive you can, no longer serve his
Lordship not only in regard to your honour and Character but
in that you have it not in your power to oblige many persons to
forward his Lordships interest upon any Emergent occasion
those offices and trusts not being in your disposal whereby to
recompence their services.

It is a great grief of mind to us and therefore wee shall not P. 176
faile to address his Lordship the Lord Proprietary and his
Noble Guardian and lay before them the unhappy Conse-
quences of your Ex^{cy}'s removall the very thoughts whereof
strikes such a Damp upon our Spirits that wee are scarce able
to Express the miseries wee may well fear are so likely to
break in upon us by an Inundation of popery and Slavery
should our adversaries prevail against us which wee have
already (by their obtaining those Commissions) too much reason
to be apprehensive of

Wee beg your Ex^{cy} will always retain a Just sense of our
grateful acknowledgements for the Civill and Just Treatment
you have been pleased on all occasions to afford us but more
Especially for your Supporteing the protestant Interest in this
Province against which and your Ex^{cy}'s person and fortune
may no Sinister Artifices or Evill devices of your and our
Enemies ever prevail. Wee are S^r with much affection and
Sincerity—

Y^r Ex^{cy}'s Most obedient humble Serv^{ts}

Sent up Ingrossed to the Up^r House by M^r Bordley.

L. H. J. Which address was Signed by the members of the Up^r House and by the members of the Lower house.

Ordered that M^r Rob^t Tyler, Co^l Mackall, Co^l Hoskins, John Rousby Esq^r Maj^r Willson, M^r James Lloyd, Co^l Hynson, Cap^t ffrisby, Co^l Scott, M^r Joseph Hill, M^r Tasker, and M^r Robbins Joyne some of the members of the Upp^r house in presenting the said Address to his Ex^{cy} the Gov^r.

They returne and say they saw the said address presented to his Ex^{cy}

The house adjournes till 8 a Clock a Munday morning

Munday morning the 30th day of July 1716

The house being called over were present as on Saturday Except Cap^t Mariartee, Cap^t Dent Maj^r Willson, and Maj^r Bradford, and the proceedings on Saturday were read.

A Bill for releif of Peter Sewell was read according to order of last Saturday and was Comitted for amendment.

The petition of the Inhabitants of the town and Port of Oxford in Talbott County praying leave to bring in a bill for Erecting a Town Gate to prevent Hogs from comeing into the town and appointing Com^{rs} for keeping good rules and orders within the same.

And also the Petition of John Oldham of the town and port aforsaid and Inhabitants thereof praying leave to bring in a bill for the building of a Wind mill in the said Town, with an allowance of so much ground as may be convenient for the same were read and

Ordered to be referred to the Consideration of the next Session of Assembly.

The petition of the Inhabitants of the South side of Patapsco in Baltemore County praying to be united to Annarundell County was read, and M^r Bordley of Council with the Pet^r and some of the Inhabitants of the said County in opposition thereto being heard at the barr and the allegations on both sides Considered

The Question was putt whether leave shall be given to
P. 177 bring in a bill for separateing the South side of Patapsco from Baltemore County & annexing it to Annarundell.

Resolved in the Nagative by Majority of Votes.

Ordered therefore the said petition be Rejected.

The petition of M^r Evan Jones praying an allowance for writeing 5 Cops of the Iournals in October 1713 was—

Read and Referred to the Com^{rs} of accounts for Examinacōn who are to report thereon wth all Convenient speed

Then the address to the R^t Hon^{ble} the Lord Prop^r brought L. H. J. from the Upp^r House on the 28th instant was read a second time and also another address to the same Lord Prop^r prepared by some members of this house was also read and both were sent to the Upper house by

The house Adjournes till one a Clock in the afternoon

The house being called over was present as in the morning.

Maj^r Willsons Letter of excuse being read he is thereupon Excused.

A Bill for releif of Peter Sawell a languishing prisoner in Calvert County committed this morning for amendm^t was read after the amendm^t made and will pass and so Endorsed

A Bill directing the manner of Summoning and Electing delegates Committed for amendment, was read after the amendments made a second time and will pass and so Endorsed.

Then the address to the R^t Hon^{ble} the Lord Prop^r brought from the Upper house on the 28th instant by Co^l Coursey and three other members, and also an other prepared by some of the members of this house were read and Considered.

On which the following Message was prepared

By the Lower house of Assembly
July 30th 1716

May it please y^r Hon^{rs}

Wee have perused the Draught of an Address to the R^t Hon^{ble} the Lord Prop^r brought down to us by the Hon^{ble} Co^l Coursey and 3 others of the Hon^{ble} members of the Upp^r house and have prepared one which Contains all the alterations wee thought proper to make, both which draughts are here with sent that your Hon^{rs} may on perusal Choose that which to your house seems best.

Signed p order Tho Macnemara Cl: Lo: Ho:

Which two addresses and the said Message were sent to the Upper house by Co^l Mackall Co^l Maxwell M^r Lloyd Cap^t Jowles M^r Taylor and M^r Waghop.

They return and say they delivered the same.

The Bill for releif of Peter Sawell, The Bill for sumōning & Electing delegates Were sent to the Upper house by Co^l Hoskins M^r Dashield Maj^r Hawkins M^r Baker M^r Alexander Warfield and M^r Brannock.

They return and say they delivered the Bills

L. H. J. The petition of John Hawkins of Queen Anns County Esq^r and Eliz^a Coursey of the same County Widdow praying leave to bring in a bill for relief ag^t the oppression of the Inhabitants of Queens town by reason of their raising stock & Hoggs on their lotts within the said town which is so small that they trespass upon the Petⁿ being read,

p. 178 The same is Referred to be Considered of next Sessions and the several persons concerned are to have notice.

Resolved that no petitions for private Bills shall be read after this day in this house durning this Sessions of Assembly.

Co^l Holland, Co^l Ennalls, L^t Co^l Young, L^t Co^l Tilghman from the Up^r house deliver M^r Speaker the following Message with the draught of the address drawn by this house to the Lord Prop^r Viz:

By the Up^r house July 30th 1716

Gent.

Wee have perused the Draught of the two Addresses intended from both houses to the R^t Hon^{ble} the Lord Prop^r and his Guardian and doe approve of that drawn by your house and sent us by Co^l Mackall and five other of your members which wee desire may be fairly transcribed and signed this night In order to dispatch it by Cap^t Isaac Search who sails on Wednesday morning.

Signed p order W Bladen Cl: Up^r Ho:

Therefore ordered the said address be Engrossed accordingly.

M^r Bordley from the Comittee of Laws Delivers M^r Speaker a bill for repairing the dammages already sustained in the Records of the Land Secretarys Comissary and County Court offices and for the security of the same records for the future

Which was read the first time and ordered a second reading on Wednesday morning.

Co^l Whittington from the Up^r house delivers M^r Speaker the following Message.

By the Up^r house of Assembly
July 30th 1716.

Upon reading the answer of Co^l Edward Lloyd late President of Her Maty^s Hon^{ble} Council in this Province herewith sent to your House,

Wee find that your charge ag^t him is general which he has L. H. J.
denyed, and althô Co^l Lloyd as wee take it being one of her
Ma^{ty} Honb^{le} Councill all the while he acted as President in
this Province and took the advantage of the act of Assembly
for ascertaining Salleryes to the Councillors and Delegates of
Assembly which wee think would have been more generous
in him to have foregone, yet since that five severall Acts of
Assembly have been yearly made to sanction those allowances
made him and now Complained of wee can't but think it will
be of ill consequence to attempt to unravell the said laws but
for the future hope that care may be taken to Ease the
Countray of the like charge.

Signed p order W Bladen Cl: Up^r ho:

And also delivers M^r Speaker the said Co^l Edward Lloyds
answer which was ordered to be entred as follows.

To his Ex^{cy} John Hart Esq^r Cap^t general and Governour in
Chief in and over this Province and the Up^r house of Assembly
now sitting.

The answer of Edward Lloyd Esq^r presid^t of her late Ma^{ty}
Honb^{le} Council to the Charge Imposed ag^t him by the
Lower house of Assembly the 20th day of July 1716

In answer to the charge of the Lower house of Assembly
that dureing the time the said Edward Lloyd was president
and Commander in chief of this Province they find by the
testimony of several members of that house that on his allega- p. 179
tions he had not then received nor had any certainty of
receiving of any benefit of his being president he was allowed
the Sallery and Itinerant Charges of a Councillor notwith-
standing which he then received part and since the full one
moiety of the 9^d p hh^d and of sundry of the Perquisites
sufficient to answer his charge of attendance, the said Edward
Lloyd sayeth that he is much surprized to find that any Gent:
should misconceive or wrest his words for that he denyeth he
ever made such allegations which would have been flatly
opposite to the matter of fact known not onely to all her Ma^{ty}
Honb^{le} Council as well as the several officers of the revenue
and as he presumes great part of the Assembly who had
made him allowances for severall perquisites as they became
due which may appear by the Journalls But acknowledges he
has often Declared that his reward for the services he per-
formed in that Station was a thing precarious as not knowing
how long the same might continue or how soon be determined
by Her Ma^{ty} Speedy dispatching a Governour in Chief into

L. H. J. this province, That as to his claimeing and takeing the allowances of a Councillor, he is advised and Humbly conceives it was lawful for him so to doe, and that by virtue of his being a councillor and the eldest of the said Council and not as L^t Governour or Comander in Chief Comissioned in this Province he took upon him to preside and execute the Several powers and authoritys in Her Ma^{ty} Comission and Instructions on which occasion her Ma^{ty} by her Royall instructions was pleased to appoint and direct the Moye^{ty} of all pquisites and Emoluments whatsoever to be payd him for his better Support in that Station and that it may the more Evidently appear that the said Edward Lloyd was always understood by the R^t Hon^{ble} the Secretary of State and Lords of Trade and Plantations even whilst he Exercised the said powers to be one of her Ma^{ty} Council, the Subscription of all their Letters are, to the Hon^{ble} Edw^d Lloyd Esq^r President of her Maties Councill in her Majesties Province of Maryland In America or to the Commander in Chief of the said Province for the time being so that the said President and Commander in Chief plainly thereby appear to be different persons.

And the said Edward Lloyd further observes that all the allowances made him as a Councillor dureing the time afore-said were and are Sanctioned by Sundry Acts of Assembly made by the authority of her late Maty and powers under her great Seal of great Brittain which he hopes this general Assembly will not Question.

Edw^d Lloyd.

Thereupon the same is referred to be Considered tomorrow morning

Co^t Thomas Smith from the Upper house delivers M^r Speaker the Bill Impowering the surviveing Ex^r of Robert Smith Esq^r To sell lands &c: Thus Endorsed—

By the Upper house of Assembly

This bill read the first time and will pass with the amendment proposed (Viz.) a clause obligeing the Ex^r to account for the purchase money as assetts to Esq^r Smiths Estate

Signed p order W Bladen Cl: Up^r ho:

Thereupon ordered th^t the said Bill be read with the Amend^{mt} to morrow morning.

p. 180 M^r Tyler from the Comittee of Aggrievances delivers M^r Speaker Rich^d Thatchers Petition thus Endorsed.

By the Committee of Aggrievances
July 28th 1716.

L. H. J.

Pursuant to the above order wee have called before us the within Pet^r who Declared upon oath that he payed the Sum of Thirty pounds current money of America to the within named Rob^t Hughes being the consideration summe mentioned for the purchase of the within land. Wherefore wee referr the said petitconer to the Consideration of the house for his relief as within prayed provided the within Alexander Mackey does not appear next Assembly and shew cause to the Contrary.

Signed p order John Beale Cl Com^{ss}

And therefore ordered the said petition be referred to the Consideration of next Sessions of Assembly and that the said Alex^r Mackey have notice thereof

And the said M^r Tyler from the said Com^{ss} delivers M^r Speaker the humble petition of Philemon Hemsley referred to the said Com^{ss} thus Endorsed.

By the Committee of Aggrievances
July 30th 1716.

Pursuant to the above order Wee have called before us the above named M^r Philemon Hemsley who has laid before us the Bills of Loading & several other papers in relation to the truth of the allegations by him sett forth in the within Petition which bills of Loading and papers wee have duely Examined and likewise Examined the said Philemon Hemsley upon oath who declared that the rum within mentioned to be imported in the Neptune was the same Rum that was on board the within mentioned Sloop when she Sprung her Mast by what advice he has received and the af^d bills of loading and other papers to us produced make appear the same, Wherefore wee referr the said Philemon Hemsley to the House for his Relief as within prayed.

John Beale Cl : Com^{ss}

Whereupon It is ordered that the Committee of accounts allow unto the said Phill. Hemsley out of the publick stock of this Province the sume of 16^l 5^s Current money in Satisfaction of the duty on the said Rum.

Cap^t Dent appeared this Evening in the house

The house adjournes till 8 a clock to morrow morning

L. H. J.

Tuesday morning 31st July 1716.

Then the house being called over mett present as Yesterday

Then yesterday's proceedings were read.

Maj^r Bradford appeared this day in the house.

The Engrossed Adrēss to the Right Hon^{ble} the Lord Prop^r
Was sent to the Upper house by M^r Stoddert Co^l Hynson
M^r James Lloyd John Rousby Esq^r M^r Dashield M^r Turbutt,
M^r W^m Young, and Maj^r Hawkins

They return say they delivered it.

Co^l Thomas Addison from the Upper house delivers M^r
Speaker the Bill directing the manner of Electing and Sum-
moning delegates &c. Thus Endorsed Viz.

By the Upper house of Assembly
July 30th 1716.

Read the first time and will pass, It being altered from
delegates to the lower house.

Signed p order. W Bladen Cl: Upp^r ho:

p. 181 And also the bill for relief of Peter Sawell thus Endorsed (Viz)

By the Upper house of Assembly
July 30th 1716

Read the first time and will pass.

Signed p order W Bladen Cl: Up^r ho:

Both which bills were read the third time and past for En-
grosseing.

Co^l Coursey Co^l Ennalls. L^t Co^l Young and John Hall Esq^r
from the Upp^r house deliver M^r Speaker—

The Ingrossed Address to the right Hon^{ble} the Lord Prop^r
signed by Tho^s Brook Esq^r Co^l W^m Holland, Co^l W^m Coursey,
Co^l Thomas Ennalls Co^l Sam^l Young, Co^l W^m Whittington,
John Hall Esq^r Co^l Thomas Addison Phill Lloyd Esq^r L^t Col.
Rich^d Tilghman and Co^l Tho^s Smith which was ordered to be
entred in these Words, (Viz.)

To the R^t Hon^{ble} Charles absolute Lord and Prop^r of the
Province of Maryland & Avalon, Lord Baron of Baltemore &c:
and to the R^t Hon^{ble} ffancis Lord Guilford for and on his behalf.

The humble Address and Application of the Upper and Lower L. H. J.
houses of Assembly of this your Province of Maryland now
sitting.

May it please your Lordship

As wee have great reason to be thankful to Almighty God for reconciling the mind of your deceased flather of Noble memory to the Principles of the Church of England so the hopes wee have of your Lordships continueing Stedfast in the same Communion has laid us under an obligation with all Sincerity to congratulate your Lordship's happy accession to the Dominions of your Noble Ancestors.

And as wee have Just reason to believe that your abjoureing the Idolatrous and Dangerous Principles and Doctrine of the Church of Rome & your Embraceing the true Orthodox Religion and principles of the Church of England (Wee hope to your Eternall happyness) was the great motive which prevailed with his Royal Ma^{ty} to restore your Lordship to your Just right of Governm^t for some time with held from your ancestors and Lodged in the Crown for Reasons of state unknowne to us so wee hope you will be secure in the lasting and peaceable Enjoyment & possession of your Governm^t and Dominion over us by maintaining and supporting that our holy religion and protecting us in all our Civill rights and Libertys.

Wee begg leave to assure your Lordship that wee resolve never to be wanting on our part in assisting your Lordship what wee can for the obtaining this happy end.

Wee doe with all sincerity and gratitude acknowledge your Lordships Early care of us by continueing to us a Governour who with unwearied diligence pursues the Honour and interest of your Lordships Govern^{mt} the security and Safety of the Protestant religion and the well fare and prosperity of all your people. And wee should Judge our selves wanting in our duty both to your Lordship and the Inhabitants of this your province, and of doing Justice to his Ex^{ty} our Governour should wee omitt to lay before you our humble opinion that those who advised your Lordship to curtaile his power by lodgeing so great a part of it in the hands of a profest papist ^{p. 182} who refused to take the oaths appointed by Law when tendered him Contrary to the laws both of great Brittain and this your Province as well as his Ma^{ty} Royall Instructions in the first and second article Comunicated to us, and granting Comissions in Blank for particular offices under a great seal not made use of in this Province and putting them in to the hands of Papists to be distributed to such persons as they

L. H. J. shall think fitt, had more regard to their own private interest then either to the honour or Safety of your Lordships Government. And wee are Sorry wee have occasion at this time to represent to your Lordship That our Governour has acquainted us that after all his faithful services he has been able to doe to y^r Lordship and your Noble father he thinks himself so much lessened in his Character as well as authority that he cann^t serve your Lordship any longer with Honour & Success & therefore has desired to be recalled unless your Lordship shall think fitt to restore him to the powers he formerly held and exercised according to the Comission you have granted him which if your Lordship vouchsafe to doe will oblige us to have a grateful sense of your Lordships favour therein and will sufficiently demonstrate to us your Lordships Justice and pious resolutions of preserving us in our Religion Civill Rights and libertys and will putt a Check to the aspireing Efforts of both our secret and open adversaries On the contrary the recalling (or Curtailing the powers and authoritys) of the Governour at this Juncture cannot faile to Gratifie those papists who have very lately soared to that Hight of Impudence as to threaten his person and undervalue his power upon his causing a due prosecution to be made ag^t those papists who had dareingly & openly drank the Pretenders health as King of great Brittain and audaciously Cursed his Most Sacred Ma^{ty} King George (whom God long preserve) and on the Governours absence upon the necessary occasions of the Countrey in the night of that day on which they Comemorate the supposed Anniversary of birth of the said Pretender had caused some of the great Guns at the seat of governm^t to be loaden, and fired off to the terror and amazem^t of the Inhabitants and in contemp^t of his Most Sacred Ma^{ty} and your Lordships good rules and Govern^{mt} of this Province.

And this would no less discourage his Ma^{ty} protestant Subjects here, and so possess their minds with fear and Jealousy's to see them selves so much Subjected to the power of Papists and a Gov^r removed who has so signally Exerted and Continues still with an unbyassed resolution to exert his authority for the Support of your prerogatives promoteing y^r Interest rendring your Governm^t most acceptable to all the Inhabitants here Except those who are disaffected to the Protestant Succession and interest by makeing the happy Constitution and Laws of great Brittain and this your Province the Examp^{le} and Rule of his Governm^t

May it please your Lordship, It is out of a deep Concerne and hearty Zeal for your Lordships Hon^r and Interest that wee have thus presumed (not to direct you in) but Humbly to

Informe and lay before you the true State of these your L. II. J. Affairs being Jealous least your Lordships Indulgence to Roman Catholicks who have in such publick manner declared themselves Enemys to the Happy Establishm^t of the Crown of great Brittain, and your protestant Governm^t here should by any means lay your administration obnoxious to the Cen-^{p. 183} sures of his Royal Ma^{ty} upon whom under God the Security and Safety of our Religion and Governm^t depend or should in any wayes alienate from you the minds and affections of your protestant people here.

Wee heartily and Sincerely pray that Infinite wisdom and Goodness may so direct and Influence all your Councils and administracōns that your Conduct therein may ever have the Continuance and approbation of his Royal Ma^{ty} and may confirm the lasting peace and Safety of your person and Governm^t and the Security of the protestant Interest here to the universal Satisfaction and well fare of—May it please your Lordship

Y^r Lordship's Most obedient faithful humble Servants.

Which was signed by all the members of the Up^r house and those of the Lower

Co^l W^m Whittington from the Upper house delivers M^r Speaker the Bill for Supplyeing a Defect in John Paramore's will thus Endorsed.

By the Upper house of Assembly

July 31st 1716

This bill being read in this house and Council heard for and ag^t it the will therein mentioned appeares to be very Slenderly proved by one Evidence only not in form of law is rejected.

Signed p order W Bladen Cl Up^r ho :

The house adjournes till 1 a Clock in the afternoon.

Then the members being called over were present as in the morning

A Bill Impowering the Surviveing Ex^{rs} of Rob^t Smith Esq^r deceased to sell land &c: was read the third time with amendments proposed by the Upper house and passed for Engrossing.

A Bill to make firm and valid in law a sale of land made by Joseph Bridger Esq^r late of the Co^{llo} of Virginia decēd to Tho^s Jones late of Somerset County decēd was read the first

L. H. J. and second time and by Special order will pass and ordered to be endorsed So.

Sent to the Up^r house by M^r Hill Cap^t Codd & M^r Dashield who return and say they delivered it.

Co^l W^m Holland Co^l Coursey Co^l Ennalls, Co^l Young and Co^l Addison from the Up^r house deliver M^r Speaker the following message (Viz)

By the Up^r house of Assembly
July 31st 1716.

Gent.

Herewith wee send you the draught of an Address to his Most Sacred Ma^{ty} for your Consideration if you shall think fitt to Joyn therein.

Signed p order W Bladen Cl: Up^r ho:

And also the Address therein mentioned which was read and approved of and ordered to be Endorsed and the following Message was thereupon prepared and ordered to be entered (Viz)

By the lower House of Assembly
July 31st 1716.

May it please your hon^{rs}

Your proposed Draught of an Address to his most Sacred Ma^{ty} by Co^l Holland and four others of the Upper house was read in this house and approved of, and the same is ordered to be Engrossed with all Speed after which wee shall readily joyne therein

Signed p order Tho: Macnemara Cl: Lo: Ho:

p. 184 Sent to the Upper house by Co^l Maccall M^r Dare, M^r Tyler M^r Young M^r Baker, M^r Wahup Co^l Ward M^r Dashield Maj^r Hawkins and M^r Hopkins

Who return and say they delivered it

Maj^r Josiah Willson makes his appearance in this house.

The following Address to his Ma^{ty} was ordered to be Entred.

To the Kings most Excellent Maty.

The Humble Address of the Governour and Generall Assembly of the Province of Maryland.

Most Gracious Sovereigne

Wee your Ma^{ty}'s dutyfull and Loyal Subjects of the Province of Maryland the Governour and upper and Lower houses of Assembly Convened under the R^t Honble Charles Lord

Barron of Baltemore Lord Prop^y of the said Province humbly L. H. J.
begg leave to Congratulate your Ma^y upon the late Glorious
and happy Success of your Victorious Troops ag^t the Rebells
to your Crown and the profest Inveterate Enemys to the
Constitution so lately Invadeing and threatning the Utter
Subversion of our Civil Rights and libertys.

May continued success ag^t all your Enemys ever attend
you and heaven grant you your hearts desire, wee being con-
vinced by the Joyful experience of your Ma^m known Wisdom
magnanimity and Clemency what ever may be in your power
which allwayes terminates in the happyness of your Subjects,
and as wee have been alwayes sensible of the Inestimable
Benefites and Invaluable protection wee have effectually
Enjoyed whilst wee were so blest as to be under the more Imme-
diate Governm^t of your Ma^y and your Royal predecessors
which has been ever since the happy Revolution so absolutely
necessary and Intirely beneficial to your Ma^m Kingdoms and
Dominions whereof wee pride our selves to be accounted a
small part so wee most humbly hope and Intreat since out of
your Princely beneficence you have been Graciously pleased
to restore the Lord Prop^y (upon his Noble fathers & his
Conversion to the Church of England) to the Governm^t of
this Province your most Sacred Ma^y will still favourably
Vouchsafe to Continue to us the Influence of your Royal grace
by earnestly recomending to his Lordship the care and Preser-
vation of your faithful Subjects and the true protestant
Religion among us in this Province where wee have very
many adversarys to our Religion. Wee pray God long to
continue your Ma^y a Blessing to all your people and that as
wee have the happyness to be under your Matys Gracious
and powerful protection so wee may endeavour to approve
our selves to y^r Ma^y and your August house truely loyall hum-
ble and obedient Subjects and servants &c.

Which being Engrossed was Signed by his Ex^{ty} and all
the members of the upper and lower houses of Assembly.

A Bill for Confirming a Conveyance of land made by An-
thony Ioy & Ann his wife lately deceased to Thomas and John
Davies was read the first and second times by especial order
will pass and ordered to be so Endorsed

Sent to the Upper house by Co^l Maxwell Cap^t ffendall and
M^r Bond

They return and say they delivered it

John Hall Esq^r from the Upper house delivers M^r Speaker
the following Message

L. H. J.
p. 185

By the Upper house of Assembly
July the 31st 1716.

Gent.

Wee think it necessary that a letter be wrote to your Agent the Hon^{ble} Co^l Nath^a Blackiston and that he be therein desired to present or procure our addresses to be presented as well that to his Most Sacred Majesty as also the other to the Right Hon^{ble} the Lord Proprietary and give us an account of the reception thereof which letter wee Desire your house will direct to be prepared

Signed p order W Bladen Cl: Up^r ho:

Which being read it is ordered the Committee of laws do prepare and bring in the said Letter.

L^t Co^l Sam^l Young and Co^l Tilghman from the Upper house deliver M^r Speaker, A Bill for the peace and Safety of his Lordships Governm^t and the protestant interest within this province thus Endorsed.

By the Up^r house of Assembly
July 31st 1716

This House doe not intend to Exempt his Lordps officers who are Concerned in the granting his lands and Surveying the same but only such as manadge his Lordships Private Estate within this Province and informe the Lower house that the granting and Issueing of Warrants is now in the Secretarys office and the Sealing the pattents wholly in his Ex^{ncy} the Governour who is the Keeper of the great Seal and as to the fine wee cannot think it ought to be less than two hundred and ffifty pounds Ster.

Signed p order W Bladen Cl: Up^r Ho:

Which being read It is ordered that the Comittee of Laws amend the bill accordingly.

Col Thomas Smith from the Upp^r house delivers M^r Speaker, A Bill makeing good a Sale of land from Joseph Bridger Esq^r deced to Thomas Jones deceased thus Endorsed (Viz)

By the Upper house of Assembly
July 31st 1716

Upon reading this bill in this house wee are willing to be Satisfied how and when M^r Thomas Jones decēd payd the Consideration (Viz) Eighty pounds Sterl in the bill mentioned.

Signed p order. W Bladen Cl: Up^r Ho:

Which is ordered to be Considered of on Thursday next. L. H. J.

M^r Bordley from the Committee of laws delivers M^r Speaker a letter by that Com^{ms} prepared to Co^l Nath^a Blackiston the agent for this Province requesting him to preferr the address presented to his Ma^{ty} and the address presented to his Lordship the Lord Proprietary and thereupon the following Message was prepared and sent to the Upper house with the same (viz)

July 31st 1716

May It please y^r Hon^{rs}

In Compliance with your Message by the Hon^{ble} John Hall Esq^r wee have prepared a letter to the Hon^{ble} Co^l Nath^a Blackiston requesting him to present the addresses of the Upper and Lower houses of this present General Assembly to his Ma^{ty} and the Lord Prop^{ty} which is herewith sent for your perusal and amendm^t if you shall think proper.

Signed p order Tho Macnemara Cl: Lo: ho:

Sent up to the Up^r house by Co^l Hoskins and M^r Turbutt they return and say they delivered it.

Philemon Lloyd Esq^r from the Upper house delivers M^r p. 186 Speaker the Letter prepared by the Com^{ms} of Laws to the Hon^{ble} Co^l Nath^a Blackiston which was ordered to be entred as follows (Viz)

Maryland July the 31st 1716

S^r

Wee herewith give you the trouble of two addresses the one to his Ma^{ty} the other to the Lord Proprietary and desire your Assistance in the haveing them presented as directed and that you will favour us with a line by way of remark on the manner of their Reception.

Wee think our selves under more obligations for your frequent good services than your Generosity would allow us to Compensate.

Wee must never the less yet desire a Continuance of your favourable Sollicitations and nothing in us shall be wanting, to demonstrate the grateful sense wee have of your good offices and that wee are

Your most obedient humble Ser^{ts}

Which letter was Signed by Co^l William Holland on behalf of the Upper house and by M^r Speaker on behalf of the Lower house.

Then the house adjourned till to morrow morning 8 a Clock

L. H. J.

Wednesday Morning first of August 1716

Then the house was Called over and members were present as yesterday

The proceedings or yesterday were read.

On a motion made the Question was putt whether a Bill shall be brought in to repeall the Act for killing Squirrills.

Resolved in the Negative.

On a motion made the Question was putt whether a Supplementary Bill shall be prepared to the Act for killing Squirrills, requiring the County Justices to administer an oath to such as produce squirrills heads before them

Resolved in the Negative

The Bill for repairing the Damages already Sustained in the Records of the land Secretarys, Com^{rs} and County court offices, and the Security of the same for the future—Was read the second time pursuant to the order of the 30th of July and will pass, and It is ordered it be so Endorsed.

Sent to the Up^r house by Co^l Mackall M^r Dare Cap^t frisbury M^r Turbutt and M^r Rich^d Warfield.

They return and say they delivered it

John Hall Esq^r from the Upper house delivers M^r Speaker A Bill for Confirmeing a Sale of land made for Anthony Ioy and Anne his wife To Thomas and John Davies thus Endorsed.

By the Upper house of Assembly

Aug^t the first 1716

Read the first and second time and will pass and

Signed p order. W Bladen Cl: Up^r Ho:

Which was read the third time and past for Engrossing.

On a motion made the Question was putt whether the Petition of the Inhabitants on the South side Potapsco praying
p. 187 to be united to Ann Arundell County and the Vote thereupon past on Munday last the 30th July shall be reasumed.

Resolved in the Negative.

Co^l Will^m Whittington from the Upper house delivers M^r Speaker the following Message (Viz)

Gent. This house reflecting on the vast charges the Province was at the last year 1715 for squirrells and Crow's heads amounting by Computacōn unto no less than 605000th Tob^o which reduced to Current money at moderate price as Tob^o then bore ten shill: p cent is not less than 3025[£] an

Intollerable burthen and such publique charge in full time of L. H. J. peace as has scarce ever been levyed in this Province, so that the Justices of Somersett County the last year to defray that Charge levyed above 140000^l Tobacco upon the Taxable Inhabitants of their County.

Wherefore it is proposed whether an Expedient cannot be found by falling upon other measures to oblige the Taxable persons to bring in Six squirrills heads yearly at the County leavye or pay four pounds p head for what are wanting at least it will make the proportion more Equal to the Inhabitants for as the law now stands, It is only an Encuragement to Idle people.

Signed p order. W Bladen Cl: Up^r Ho.

Co^l Edward Lloyd pursuant to a Sumons to him sent appears in this house to answer an acc^o of the allowances made him when Councillor and President and being heard by his Council and the matters & things by him alledged in his Defence being fully heard and Considered

The Question was putt whether the said Co^l Lloyd ought to refund the s^d allowances.

Resolved in the Affirmative by Majority of Votes

The house Adjournes till one a Clock.

Then the members being Called over were present as in the morning.

M^r Bordley from the Com^o of Laws delivers M^r Speaker A Bill for Transferring the pay^t of all such fines and forfeitures as shall hereafter arise or happen upon the Breach of any the penall Laws of this Province to the R^t Hon^{ble} the Lord Prop^r &c. Was read the first & second times by Especial order and will pass and ordered to be Endorsed

Sent up to the Upper house by M^r Tyler Col Hynson, Co^l Maxwell M^r Young M^r Rich^d Warfield and M^r Tasker

They returne and say they delivered it

Co^l Holland, Co^l Young, John Hall Esq^r Philemon Lloyd Esq^r Co^l Tho^s Smith Co^l Addison, and Co^l Whittington from the Up^r house deliver M^r Speaker the following

Aug^t the 1st 1716

Gent of the Up^r and Lower Houses of Assembly

It is a very sensible pleasure to me That I find the Administration of this Governm^t Committed to my care is so acceptable to the good people of this province as you are pleased to

L. H. J. Express in your most affectionate Address to me yesterday for which you have my hearty thanks.

p. 188 Your Laws will ever be the rule and measure of my Authority and I shall not faile to putt these Laws in Execution ag^t such persons who shall Contumaciously dare to offend ag^t them or have them in any degree of Contempt

Your prosperity shall be my Constant application to protect & to preserve it from any attempts may be made by Artful and designeing men whether I have the Happiness to remain among you or it be the pleasure of providence by the means of yours and my Enemies to remove me from this Station I shall Stedfastly continue to the outmost of my power to be a sincere friend to the Protestant interest of Maryland.

Jo. Hart

On a motion made that whereas Maj^r Roger Woolford in Consideration of the sume of 16^{li} paid him in the publick leavy undertook to raise a fflagg Staff near the Stadt house in the City of Annapolis with Sufficient Braces and a Cedar fframe and has not as yet pformed the same, Ordered that notice be given him to Compleat w^t he so undertook as af^d by the last day of October next or that in failure thereof he appeare before the Barr of this house the first week of the next Sessions of Assembly whensoever to be held to shew Cause why he doeth not Comply with his said promise.

Co^l Holland from the Upper house delivers M^r Speaker the following viz.

The Answer of Charles Carroll to the respective Queres put to him this 19th day of July 1716 by the Right Hon^{ble} the Lord Prop^{ry} of Maryland's Governour and Upper house of Assembly.

Q 1st Whether he acquainted their Lordships the R^t Hon^{ble} the Lord Proprietary and his Guardian of the Acts of parliament in England made in the 15th year of King Charles the 2^d Entituled an Act for the Encouragement of trade and an act made in the 7th and 8th years of King William Entituled an Act for preventing ffrauds and regulateing abuses in the Plantation trade as well as the Act made in the 12th year of King Charles the 2^d for Incourageing and Increaseing of shipping before he obtained the said Comission

Answer That he said nothing to their Lordships about the acts of the 12th and 15th of King Charles the second in the Quere specified, being very well Satisfied that there was nothing in them that would hinder the said Lord Prop^{ry} as heredi-

tary Governour of Maryland from granting the Commission L. H. J. under Consideration and knowing likewise very well that the said Lord Prop^r's Ancestors all wayes gave such Commissions themselves and not their L^{ts} or deputy Governours and that the execution of those Commissions was alwayes Committed to the Lord Prop^r's receiver Generall and as for the Act of the 7th and 8th of King William the Lord Prop^r and the Lord Guilford his Guardian ordered him to write to the Com^{rs} of his Ma^{ty}'s Customs in London in order to qualifie himself pursuant to that Act which he has accordingly done, as appears by an Instrument from the said Commissioners

Q 2^d Whether he did not acquaint the Secretary to the Hon^{ble} p. 189 Com^{rs} of his Ma^{ty}'s Customes when he came to present his Commission relating to the Naval office and to have his security for executeing thereof approved that he would take the oaths appointed by law when he came upon the place where he was to execute the said Commission and whether he ever informed the Com^{rs} of his Ma^{ty}'s Customes that he was a Roman Catholick or not.

Answer That he did not tell the Secretary of the Com^{rs} what he would doe when he came upon the place of Executeing his Com^{rs} because he thought it needless to tell he would doe what was necessary the granting of the Commission and the acceptance thereof must be supposed to be in the execution attended with all necessary and Required Qualifications and that there is no oaths required by the Statutes in the first Quere mentioned but what he is ready and willing to take and knows it is requisite he should take an oath for the true and punctual discharge of his office which he is ready to doe That the Com^{rs} of his Ma^{ty}'s Customes did not require him to make a profession of his faith and that he believes it would be look't upon as Impertinent in him to goe about it before that board

Q. 3^d How came he to take upon him the office of Escheator General in this province (which is an office of record) and the office of Navall officer as well as receiver general of the publick revenue of this Province when he knew his Intention of not takeing the oaths of abjuration Injoyned to be taken and subscribed by all persons within this Province holding or Enjoying any office or place of trust within the same as by the tenor of a certain Act of Assembly of this Province made in the 2^d year of her late Majesty's reigne Entituled an Act for repealing a Clause in an Act of Assembly Intituled an Act for Establishment of religious Worship in this Province and also for appointing the oaths of Abjuration to be taken in this province which is now in full force and unrepealed and which

L. H. J. said oath has been since tendered to him which he has refused to take and subscribe.

The said M^r Carroll is desired to Informe his Ex^{ty} and this board who are the present Surveyors General of this Province and who are to be the Deputy Survey^{rs}

Answer That he took the offices upon him in the Quere mentioned because he has for some years past been Intrusted with all of them which lay in the Proprietarys ancestors to grant without being in the least called in Question on any Act while the Governm^t was Immediately in the Crown and since his Matys Justice has restored the Lord Prop^{ty} to his Hereditary Right of governing this Province he thinks himself safe in Serveing his Lordship in all the offices specified in the Quere till his Lordship's pleasure be known Concerning the Acts of Assembly taken notice of which was never assented to by the late Queen and as I conceive stands repealed by an Act made in the first year of his present Maty which requires to take the oath of Abjuration but that act haveing not been
 p. 190 under his Ma^{ty} Consideration before he was graciously pleased to reinstate his Lordship in his Right of Governm^t nor ever assented to by his Lordship he does not think it a Barr to him from Executeing his Lordship's Comission which when he received it did not enter into his thoughts, That his Lordships Governour would require more of him then the Governours under the Crown ever did for these 25 years past dureing which time he has had the honour to serve his Lordship and the people of this Province without reproach and he believes that his faithful services and the Justness of his accounts with his Lordship's Ancestors was the only Inducement his Lordship had to Committ the receipt of the revenue of this Province rather to his care then to others who phaps were not so well known in the family.

To what is desired he answers that his Lordship has not yet appointed any Survey^{rs} Gen^{ls} Consequently there can be no Deputy Surveyors, but his Lordship and the Lord Guilford his Guardian have sent in 12 Com^{ms} for Surveyors with Directions to grant them to protestants in such Countys where his Lordships Surveyors' places were usually Executed by Protestants while the Govern^{mt} was in the Crown and that upon the death or Just cause of removeal of any such Surveyors or any other officer or officers in offices usually held by Protestants none should be putt in their Roomes but protestants, but none of the said Com^{ms} are as yet Issued because M^r Walter Pye and M^r Henry Sewall who have the Distribution of the said Com^{ms} haveing mett with some disappointment therein from the Governm^t (as they say) for which reason his

Lordship and the people of this Province suffer much Detri- L. H. J.
ment and the land office is in Effect thereby shutt up for the
issuing Warrants for takeing up land without Surveyors to
execute them would be but a charge to no purpose.

Charles Carroll.

Observations on M^r Carrolls answers to four Quere's
put to him on the 19th July 1716.

To the first Quere M^r Carroll after answering that he said
nothing to their Lordships about the acts of the 12th and 15th
of King Charles the second in the Queres specified adds he
was very well satisfied that there was nothing in those Acts
that would hinder the Lord Prop^{ry} as hereditary Governour of
Maryland from Granting the Comission.

In objection thereto It is plain by his Ma^{ty} Royal instruc-
tions under his hand and Privy Signet the Governour John
Hart by name is Assigned to take care of and appoint the
naval officers in this Province, and it cannot be understood by
the Act of the 15th of King Charles that the Hereditary Gov-
ernour who has never been in the Province being wholly
resident in Great Brittain should appoint such officers or take
the oath in the Act mentioned but the Governours or Comand^{rs}
in Chief of the lands Islands Plantations Colonyes or Territoryes
in America and Surely his Ex^{ty} John Hart Esq^r being on the
Spot is that person and not my Lord Prop^{ry} or the Lord
Guilford who are not in this Province

To the second Quere M^r Carrolls answer is altogether
Evasive of the Question whether he told the Secretary to the
Com^{ns} he would take the oaths when he came upon the place
where he was to execute the said Comission In not answer- p. 191
ing directly whether he did or not, but saying that he did not
tell the Secretary of the Com^{ns} what he would doe when he
came upon the place of executeing his Comission because he
thought it needless to tell him he would doe what was
necessary and yet at the same time M^r Carroll might tell the
Secretary he would take the oaths on the place of Executeing
the Com^{ns} but because that he did not tell him all that he
would doe as Record the said Com^{ns} appoint Deputys in the
Several parts and he answers he did not tell him what he
would doe.

2^{dly} In his answer to part of the same Querie (Viz)
whether he ever Informed the Com^{ns} of his Ma^{ty} Customes
that he was a Roman Catholick he does not answer whether
he did or not doe so but avoyded by saying the Comissioners
of the Customes did not require him to make a profession of

L. H. J. his faith &c: that he believes it would be lookt upon as Impertinent in him to goe about it before that Board and yet at the same time he might have made such profession.

To the third Querie how he came to take upon him the office of Escheator Genⁿ in this Province (which is an office of Record) and the office of Navall officer as well as receiver generall of the publick revenue of this Province when he knew his Intention of not takeing the oath of Abjuration Enjoyed by the Act of Assembly of this Province which has been since tendered to him and he has refused to take and subscribē, He answers that he took offices upon him in the Quere mentioned Because he has for some years past been trusted with all of them which lay in the Prop^{ty} Ancestors to grant without being in the least called in Question on any act while the Governm^t was Immediately in the Crown—When at the same time it is known to all the public officers here that he never was appointed or exercised the offices of Escheator Genⁿ Navall officer Generall or the receiver Generall (of the Lord Prop^{ty} Excerciseing the Governm^t of this Province) before he obtained the present Comission by which he now claimes those offices.

It is further Remarked that as to the Act of Assembly which requires all officers here to take the oath of abjuration mentioned in the said Querie the time of Enacting the said law is in the said Querie mistaken It being (as he answers) Enacted in the first year of the Reigne of his present Ma^{ty} he does not take the law to be any Barr to his Excerciseing those offices, It not haveing been (as he says) under his Ma^{ty} consideration before he was Graciously pleased to reinstate his Lordship, By which position if granted all the laws of this province Enacted the last Sessions are of no Effect tho they were Enacted under the Authority of his Ma^{ty} great Seal of great Brittain, and before any Judicial notice of his Matys gracious pleasure to restore the Lord Prop^{ty} to the Governm^t here which does not appear to be before the 1st day of July 1715 before which time the said laws were Enacted under the Com^{on} and Instructions from the Crown by which former laws had been usually made and which were usually deemed to be in force, here till his Ma^{ty} pleasure Known to the Contrary neither does their Efficacy comence directly from his Matys consideration of them but from the time of their being past here, as to the latter part of his answer to the said Querie it is purely a panegerick upon his own deserts.

p. 192 To the fourth Querie which M^r Carroll thinks fitt to Subjoyne to the third who are the present Surveyors Genⁿ of this Province and who are to be their Deputys, His answer is that

his Lordship has not yet appointed any Surveyors Generall L. H. J. Consequently there can be no Deputy Surveyors thō he goes further and offers as an answer thereto that the Lord Prop^r and the Lord Guilford his Guardian have sent in twelve Comcōns for Surveyⁿ with directions to grant them to protestants in such Countys where his Lordships Surveyⁿ places were usually Exercised by Protestants while the Government was in the Crown, and that upon the death or Removall of such Surveyors or any other officer or officers in offices usually held by protestants none should be putt in their places but protestants, But that none of the said Comissions are yet Issued Because M^r Walter Pye & M^r Henry Sewall have the Distribution of the said Comissions haveing mett with some disappointments therein from the Governm^t (as they say) ffor which reason his Lordship and the people of this Province (M^r Carroll says) suffer much Detriment, and the land office is in effect thereby shutt up for the Issueing warrants for takeing up lands without Surveyⁿ to execute them would be but a charge to no purpose. So that M^r Carrolls meaning may be understood that those Surveyor's Comcōns should be granted to protestants if in such Countys protestants had usually Excercised them; but what if Papists ever Employed them is not this a Sufficient Salvo that will square with his answer to Comissionate a papist to such Countys where those Comissions were ever held by Papists and then it would be gladly known which of the Twelve Countys he reserves purely for a protestant Survey^r that has not had a papist in that office unless Queen Annes County and Quere that.

As to the Disappointment M^r Pye and M^r Sewall have mett with from the Governm^t It is not known what is meant unless they have reason to think the oaths for security of the Governm^t will be offered them which is Supposed they take to be the Disappointment and which if they have no Comissions (as M^r Carroll says they have not) they need not be apprehensive of.

Lastly as to his Lordship and the people receiveing Detriment by such Disappointment It must necessarily lye at their Doors who refuse to grant Comissions to such who will Qualifie them selves for his Lordships service and the trust reposed in them and not in those whose duty it is to put the laws in Execution

A Bill for Confirming three several tracts of land lyeing in Annarundell County to Susannah Johnston her heirs and assigns for ever which was read the first of August 1716 the first & second times by especial order and will pass.

Ordered to be so Endorsed.

L. H. J. Sent to the Upper house by M^r Hill and M^r Charles Wright
Co^t Sam^l Young delivers M^r Speaker, the Bill for repairing
the damages already Sustained in the Records of the Land
Secretarys Commissarys and County Court offices and for the
security of the same records for the future thus Endorsed
(Viz)

By the Upper house of Assembly
Aug^t 1st 1716.

This Bill being read in this house will pass with the follow-
ing amendments (Viz) that Particular rooms be assigned and
p. 193 fitted up for keeping the Records in and a Clause added that
no person shall make any Searches in the Records, but the
respective Clerks of the severall offices, and that fair new
alphabets be made to all the Record Books, and fair labels
affixed to the books with their marks numbers and years and
further that the Secretarys Security be but 1000^l and the
County Clerks Securitys to be two in stead of one hundred
pounds Ster.

Signed p order W Bladen Cl Up^r ho:

Col Addison from the Upper house delivers M^r Speaker
A Bill for transferring the fines &c: to the Lord Prop^{ty} thus
Endorsed (viz.)

Aug 1st 1716

Read the first time and will pass.

Signed p order W Bladen Cl: Up^r ho:

And likewise delivers M^r Speaker A Bill for relief of
Susannah Johnson and Confirming 3 small tracts of land in
Annarundel County on her & her heirs thus Endorsed (viz)

By the Upper house of Assembly
Aug^t 1st 1716.

Read the first time and will pass.

Signed p order W Bladen Cl Up^r ho:

The house took into Consideration the Endorsm^t made on
the bill for security of the peace and Safety of his Lordships
Governm^t & the Protestant interest within this Province and
ordered the following Message to be prepared.

By the Lower house of Assembly
Aug the 1st 1716.

L. H. J.

Gent.

Your Endorsment on the bill for the better security of the peace and Safety of his Lordships Governm^t and the protestant Interest within this Province of yesterday whereby you mention an Exemption of those that manage his Lordships private Estate within this Province Being Considered wee think it necessary to avoid future debates that such offices as are to be Exempted be particularly named in the Bill and desire your honours will name such as you shall think Reasonable should be exempted.

Signed p order. Tho: Macnemara Cl: Lo: ho:

Sent up by Co^l Scott, and Cap^t Codd who return and say they delivered it.

The house Adjournes till to morrow morning 8 a Clock.

Thursday morning 2^d Aug^t 1716.

The house being called over members were present as yesterday.

Co^l Herman being Indisposed is Excused from further attendance this Session.

A Bill for Releif of Susannah Johnson Confirming 3 small tracts of land in Annarundell County on her and her heirs was read the third time and past for Engrossing.

A Bill for transferring the fines to the Lord Prop^r &c: was read the 3^d time and past for Engrossing.

Ordered that Thomas Macnemara be allowed fifteen thousand pounds of Tob^o for his Sallary as Clerk of this house for this year Ending next fall and that for every year hereafter the Clerk for the time being be payd fourteen thousand pounds of Tob^o the said Sallary to be paid in A. A. Calvert and Prince Georges Countys and that therefore the Clerks shall serve in Assembly must record the Journalls of every Sessions hereafter, & deliver M^r Speaker a fair Copy of them

The house took into Consideration the Endorsment made by the Upper house on the 31st of July last on a Bill for making good a Sale of land from Joseph Bridger deced to Thomas Jones deced &c: and in answer thereto ordered the following Indorsment to be made (Viz)

By the Lower house of Assembly
2^d Aug^t 1716.

In answer to your Endorsment on this Bill whereby you desire to be satisfied how and when M^r Thomas Jones deced

L. H. J. payed the consideration money (Viz) 80^h Sterling Wee answer you that Hester Bridger the Widdow and Ex^r of Joseph Bridger Esq^r deceased after the death of the said Joseph Bridger did by her deed under her hand and Seal bearing date the 3^d day of July 1686 which was Sent to your house with this Bill acknowledge the receipt of the said Consideration and thereof Discharged the said Thomas Jones and it cannot be denied but she had power So to doe, and more over those that opposed the passing of the bill in this house owned that all the Consideration money to about 38^h Ster. was payed by the said Thomas Jones in his life time and Since the said Jones by his last will gave all his personal Estate to his wife Except some small legacies which Estate amounted to above 300^h Sterl and owed but few debts which also appears It is but Just that she or M^r Catherwood that had that Estate by marrying her should pay his debts whereof the said 38^h was part wherefore it is hoped the bill will pass.

Signed p order Tho: Macnemra Cl: lo: ho:

Sent up by M^r Charles Wright, M^r Brannock and M^r Waghup, Who return and say they delivered it

Co^l W^m Holland, Co^l Coursey, Co^l Ennalls and L^t Co^l Young from the Up^r House deliver M^r Speaker the following.

By the Up^r house of Assembly
Aug^t 2^d 1716

It being represented by his Ex^{cy} the Governour to this house that by the omission of the R^t Honb^{le} the Lord Prop^{ty} and his Guardian's Agent in Eugland their Lordships have not yet sent any Instructions or authority into this Province Either in case of the death or absence of the Governour where the power of the Governm^t shall be lodged or who shall execute the same, That as his Ex^{cy} the present Governour has been formerly in great danger of his life by severall violent fitts of Sickness there may happen great prejudice and Confusion among the people upon his death if it should please God he should dye before the Lord Prop^{ty} and his Guardian by some speciall instruction make provision therefor—This house doe unanimously Resolve that the not sending into this Province such powers and Instructions for the administration of the government here in case of his Ex^{cy} the present Governour's death or absence is a great omission in his Lordship's Agent and Conceive that the Ill consequences of such neglect at present cannot be otherwise provided for than by an Act of Assembly directing where the said powers shall be lodged and how executed untill his Lordship the R^t Honb^{le} the Lord

Prop^y and his Guardians directions and Instructions shall be L. H. J. sent into this Province on which Emergent occasion wee desire the advice and Concurrence of your house what Just measures may be now properly used for the service of the R^t P. 195 Hon^{ble} the Lord Prop^y and the security of the peace and well fare of this Province.

Signed p order. W Bladen Cl: Up^r ho:

In answer to which the following answer was proposed and ordered to be entred (Viz)

By the Up^r house of Assembly
Aug^t 2^d 1716.

May it please y^r Hon^{rs}

On reading your Message of this day by the Hon^{ble} Co^l Holland and three others of the Upper house wee agree that the not sending into this province instructions who should administer the Governm^t in case of his Ex^{ty}s death or absence has been a great omission & may prove of very evill Consequence unless provided ag^t for prevention whereof wee agree to make a provision for the same by a law and cannot think of a better method then what has been asked when the Governm^t was in the Crown but that is Intirely Submitted to his Ex^{ty} and your hon^{rs}

Signed p order Tho: Macnemara Cl: Lo: ho:

Sent to the Upper house by M^r Rousby Cap^t ffrisby Cap^t Codd M^r Turbutt Cap^t Jowles M^r Hanson M^r Young and M^r Tyler.

They return and say they delivered it.

The house adjournes till one a Clock in the afternoon.

Then the members being called over were present as in the morning

The Remonstrance of M^r James Carroll setting forth that he was heretofore Surveyor of Annarundell County and still is and had Comission & Speciall warrants to him directed to execute which remain as yet in part unexecuted through the Badness of Weather that happened the last winter and spring and therefore prays leave to execute the said warrants without being Subject to the laws that are now goeing to be past was read and Rejected Nemine Contradicente.

On Consideration of the Vote of this house on Yesterday whereby it is resolved that Co^l Edward Lloyd ought to refund

L. H. J. to the publick 52^h 13^s 6^d and 29580^h Tob^o allowed him during his presidency for the Sallary and Itinerant charges of a Councillor, It is ordered the same be referred to the Comittee of laws who are on Sight of all the papers thereunto relating to Compose a Suitable message on the whole to the Upper house

The Endorsment on the bill for Repairing the Records of the Secretary Com^y and land offices from the Upper house of Yesterday being Considered the following Endorsment was ordered to be made (Viz)

By the Lower house of Assembly
2^d of Aug. 1716.

May it please y^r hon^{rs}

Your Endorsment on this bill has been Considered and wee are of opinion that particular Roomes for keeping the records belonging to the several offices specified in this Bill are already fitted up and assigned and therefore think that there is no occasion of any further provision in that particular, and as to a Clause to be added restraining any person but the several Clerks to make searches, wee think that the law proposed obligeing the officers to make the records good will prevent any Inconveniency that way, wee Cannot think that
p. 196 makeing fair new Alphabets to any record Books that are not worn or deficient or adding Labells with their marks numbers & years will be any way for the publick good, wee believe such things may be usefull to and for the use of the Several officers and as they take the fees, Its Just and reasonable they should at their Expençe gett those things done, and as to the sume you propose the Secretary ought to be bound in wee cannot think it reasonable to agree thereto Considering the great trust reposed in him and that on his faithful discharge of the condition proposed the Safety of the generality of the Estates of this province depends he haveing the keeping of as well the Provincial and Chancery Entryes and records as of the land Records wherefore it is hoped that the lessening that sume will not further be insisted on when wee are willing a County Clerk shall be bound with Suretys in 200^h sterl who has not the twentieth part of the trust reposed in him that is reposed in the Secretary.

Signed p order Tho: Macnemara Cl: Lo: ho:

Sent up by Co^l Hoskins, Cap^t Dent, and Cap^t Dallahyde they return and say they delivered the Bill.

Co^l Coursey from the Upper house delivers M^r Speaker the following Message (Viz')

By the Upper house of Assembly
Aug^t 2^d 1716.

L. H. J.

Gent:

Wee have appointed the Hon^{ble} Co^l Holland L^t Co^l Young and Co^l Smith three of our members to view the Secretary Com^{rs} and County Clerks offices in this City and to see how Conveniently they are fitted up for the security of the records of those offices and desire you will Joyne some of the members of your house with them that they may make report thereof to this present Generall Assembly

Signed p order W Bladen Cl: Up^r ho:

In answer to which the following Message was prepared
(Viz)

By the Lower house of Assembly
2^d Aug^t 1716

May it please y^r hon^{rs}

Wee have in Compliance with your Message of this day by the Hon^{ble} Co^l Coursey appointed M^r Rob^t Tyler M^r James Lloyd Co^l Nath^l Hynson Cap^t Thomas Dent & M^r Charles Wright to Joyne those Hon^{ble} members of the Up^r house named therein to view the Secretary Comissary and County clerks offices and to see how Conveniently they are fitted up for the security of the Records that they may report thereon

Signed p order Tho: Macnemara Cl: Lo: ho:

Sent to the Up^r house by the said Members who return and say they delivered it

The following Message being prepared was Entred.

By the Lower house of Assembly
Aug. 2^d 1716.

May it please y^r hon^{rs}

Your Message by the Hon^{ble} Co^l W^m Whittington of Yesterday about the Charge of Squirrells and Crows heads the last year 1715 has received a full debate and wee have resolved that thô the yearly charge ariseing on that account seems very great yet it Circulates among the Several Taxables of the several Countyes and so no very great Burthen for every person may if he pleases and thinks itt worth while Kill as many as will defray his proportion of the charge and the Squirrells and Crows are by the Encouragment now given almost destroyed and to lay an obligation on every taxable to kill a certain number will not be so effectual a means p. 197

L. H. J. to destroy them as the method already provided besides the fewness of them occasioned by the Encouragment given by the law in force will render it Impracticable (as wee hope) to Comply therewith but if in few years wee find they are not lessened wee shall readily enter on new measures either to redress the charge or for more effectually destroying them

Signed p order Tho: Macnemara Cl: Lo: ho:

Sent to the Up^r house by M^r Tyler Cap^t frisbury M^r Turbutt Cap^t Dallahyde Maj^r Hawkins M^r Rich^d Warfield M^r Alexand^r Warfield M^r Charles Wright M^r Edw^d Wright Cap^t Dent M^r Hanson and Cap^t Hoskins

They return and say they delivered it.

John Hall Esq^r Co^t Whittington & Philemon Lloyd Esq^r from the Upper house deliver M^r Speaker the following Message (Viz)

By the Upper house of Assembly
Aug^t 2^d 1716.

Gent:

Since your house have thought it will not be fitting to repeale the law for Encourageing the killing of Crows and Squirrells Wee propose that some better provision may be made to prevent any Impositions upon the County Justices and first that the Squirrells or Crows heads or Scalps be carried to the County courts every court and Examined by the youngest Justice present on the Bench who shall burn them at the court house and that no certificates be granted to any but such as doe kill the Crows and Squirrells Either by themselves their children or Servants, and that not till such persons have made oath of their being so killed in the County where they claime allowance therefor.

And in the next place that any person detected of haveing sworn falsly shall be deemed pjured and be fined to the Lord Prop^r his heirs & successors toward the County levy the Sume of ten pounds Current money otherwise suffer twelve months Imprisonment of their Bodys without Bayle or mainprize.

Signed p order W Bladen Cl: Up^r Ho:

L^t Co^t Tilghman from the Up^r house delivers M^r Speaker the following Message Viz.

By the Upper house of Assembly
Aug^t 2^d 1716

Gent.

In answer to your Message on the 28th of July last wherein you are of opinion that the duty of 18^d p hh^d Subject to the

paym^t of the officers Sallarys of 8 & 5 p Cent is a sufficient L. H. J. Compensation for his Lordships accepting of Tob^o at 2^d p^{ib} for his land's rents, wee have consulted M^r Carroll his Lordships Agent who says that he humbly conceives that such a part of the Sallarys within mentioned as the Hon^{ble} House shall not think fitt to make provision for may for his Lord^{sh} Service and the prevention of delay or Interruption of so publick a good as is proposed be postponed for the present without concludeing his Lordship from making the reasonableness of his Expectation (not to be burthened with any part of the said Sallaryes) appear at any other time which wee referr to the Consideration of your house

Signed p order W Bladen Cl: Up^r ho:

Which is ordered to be considered of to morrow morning
Co^t Smith from the Up^r house delivers M^r Speaker the following.

By the Up^r house of Assembly
Aug^t 2^d 1716.

Gent.

In answer to your Message yesterday wherein you desire to prevent future debates, and that as to such offices as are to be exempted in the Bill in your Message referred to wee ^{p. 198} should name such as wee should think reasonable, wee must observe to you that those offices are so many th^t as wee may not readily apprehend them all, so wee think it may Suffice to make an Exemption for all such persons who only manage his Lordship's private Estate within this Province and that any person or persons who shall presume by Colour of such offices to act any thing relateing to the publick affairs of the Province shall be lyable to the penaltys in the said Act of Assembly exprest.

Signed p order W Bladen Cl: Up^r ho:

Which being read the same is referred to the Com^{ms} of laws, who are to make the best provision they can according to the direction of the said Message.

The following Message was prepared in Answer to a Message this afnoon by John Hall Esq^r and 2 more from the Upper house (Viz)

By the Lower house of Assembly
2^d Aug^t 1716

May it please y^r Hon^{rs}

In answer to your Message this afternoone by the Hon^{ble} John Hall Esq^r and two others of the Upper house Wee

L. H. J. acquaint you that a Vote has past in this house some days agoe that the law now in force for the Killing Squirrells and Crows sufficiently provides ag^t the Inconveniency you mention and wee believe that a Single Justice at his habitation may & will give as good an opinion as he can at Court on his private Viewing there the heads and scalps of Squirrells and Crows and as to your proposal that no Certificates be given to any but such as doe Kill the Crows and squirrells either by them selves their Children or Servants wee think that would introduce perjury and many other Inconveniences for the Master not being present at the Killing them by his negroes or Children can't be deemed able to prove the same yet wee can't think that he ought to lose the benefite, wee believe the discretion of every Justice of peace to be Such as to be Satisfied that the Squirrells and Crows for the heads of which a Certificate is required was Killed in the County where such applicān is made for a Certificate before he grants any, and if any person Comitts perjury in makeing such claimes or obtaining a Certificate Wee believe such a misdemeanour is by law punishable and therefore desire you will not further insist on any other Provision than what is already made.

Signed p order. Tho: Macnemara Cl: Lo: Ho:

Sent to the Upper house by M^r Lloyd Cap^t ffendall M^r Hanson M^r Edward Wright, M^r Turbutt and M^r Baker

They return and say they delivered it.

Co^t Holland & Co^t Coursey from the Upper house deliver M^r Speaker the following Message which being read is referred to the Consideration of this house to-morrow morning, and ordered to be entred (Viz^t)

By the Upper house of Assembly
Aug. 2^d 1716.

His Ex^{ty} haveing acquainted this house that the R^t Hon^{ble} the Lord Prop^{ty} and his Guardian the Hon^{ble} the Lord Guilford have appointed M^r Thomas Beake & M^r Charles Low his Lordships Secretarys of this Province and have granted to them the fynes for ordinary Lycences Wee doe think it absolutely necessary that the Ordinarys in this Province be regulated and therefore recomend to your house that a bill be now prepared therefor and also to ascertain the fines on the said ordinary Lycences.

Signed p order W Bladen Cl: Up^r ho:

The house Adjourns till 8 a Clock to morrow morning

Friday morning the 3^d of Aug^t 1716.

L. H. J.

The house being called over members were present as yesterday, and the proceedings of the house on yesterday were read. ^{d. 199}

On a motion made the Question was putt whether private bills shall be Engrossed and Sealed at the publick charge hereafter

Resolved in the Affirmative.

The message from the Up^r house on yesterday By Co^l Tilghman about the Salleryes of 8 & 5 p Cent on the duty of 18^d p hh^d being read the following was prepared in answer thereto and Entred (Viz)

By the lower house of Assembly
Aug^t 3^d 1716.

May It please y^r hon^{rs}

On Consideration of your Message of yesterday by the Hon^{ble} L^t Co^l Rich^d Tilghman about the Salleryes of 8 and 5 p Cent on the 18 p hh^d granted to the R^t Hon^{ble} Benedict Lord Baltemore in Consideration of his acceptance of his Land rents in To^{bo} at 2^d p lib: wee agree in regard the said money was lodged in the Treasurers hands for the Securety of the Countrey till his Lordships pleasure should be known that the Sallery of 5 p cent ought to be made good to the Lord Prop^r but as to the Sallery of 8 p Cent ariseing due for Collecting & receiving the said duty wee are of opinion his Lordship ought to be at the charge, for if his pleasure had been known and that he accepted of it he must have appointed officers and pay Salleryes for Collecting it and therefore in order to avoid any debates that in time to come may arise on the same, Wee desire to be Satisfied whether his Lordship has or shall accept of the said 18^d (allowance being made him for the 5 p Cent Sallery on the Consideration in the Act for raising the same mentioned) for wee are unwilling to postpone that matter

Signed p order Tho Macnemara Cl. Lo: ho:

Sent to the Upper house by Maj^r Willson, and Cap^t James frisbury

Who return and say they delivered it

M^r Thomas Bordley from the Com^{ms} of Laws delivers M^r Speaker the Message prepared by that Com^{ms} on the Vote past on Co^l Lloyds answer which was ordered to be Entred as follows (Viz)

L. H. J.

By the Lower house of Assembly
Aug^t 3^d 1716.May It please y^r Ex^{ty} & Hon^{rs}

This house have fully heard Co^t Edw^d Lloyd and his Council in defence of what he was Charged with by our Message of the 26th of July last he was fully acquainted with the reason of this house's resolve on that occasion and had the opportunity of hearing sundry members of this house as Evidences ag^t him who in our Judgm^t have fully proved upon their oaths the facts wee charged him with, wee have fully considered the s^d Co^t Lloyd's Answer in writeing which you were pleased to lay before us, and wee find thereby the said Co^t Lloyd has denyed that he ever made such allegations which would have been flatly opposite to the matter of fact, wee have had it fully proved that such allegations were made and if flatly opposite to the matter of fact hope our charge is in that part proved wee find he acknowledges that he has often Declared that his reward for the Services he performed in that station was a thing precarious, wee Can't find the said Co^t Lloyd had any Inducem^t to make such declaration had not it been as a motive to the Countrey to make the allowances Complained of which he thereby seemed tacitly to acknowledge he had not a better pretence for than by the plausible
p. 200 allegations of his other rewards being precarious which it seems afterwards proved certain and Consequently the Consideration of such allowances Removed.

Wee doe not find the said Co^t Lloyd in any part of his answer or Defence insists att all upon the Justice or reasonableness of those allowances but insists Chiefly on his right by the Laws of this Province and that such allowances have been made and ought not now to be recall'd Wee take Custome and the Legislature to be the Best interpreters of the laws and wee find by the ancient Acts where Councillors had offices of Profite, they had no allowances for their attendance in Council and it is fresh in the memory of Sundry members of This house that even where the act of Assembly ascertained to every Councillor one hundred and fifty pounds of To^{bo} p day yet the Commissaryes Generall being of the Council have been refused such allowance for that the pquisites of their offices were thought Sufficent to defray their Expences and that the very ground and reason of the Law that gave such allowances was only to bear the expences of those who had no other way to reimburse themselves their expences in the Service of the Publick wee cann't allow the conclusions that Co^t Lloyd makes from the superscriptions of his Letters which rather seem designed to find out the person by the Synonymous

titles of President of the Council or Commander in Chief than L. H. J. to Evince the Diversity of the persons Especially considering Co^l Lloyd had then the full power of Comander in Chief, acted as such and had a negative voice in the passing our Laws, and that several of our Laws were then to our Great Cost dissented to because they were Enacted by the Councill and Assembly without saying her Ma^{ty} President Council & Assembly, from whence wee inferr he was a Separate Body distinct from the Council and had a Superior power to it, and wee have reason to believe had a larger Recompence for his services without that one hundred and fifty p day than all the members of the Councill put together and Consequently was not within the Reason or Equity of that Law nor Indeed within the words of it whilst he acted in that Different Station.

Wee take it if Co^l Lloyd's allowances were unjust they ought to move the Justice of the Legislature who cannot doubt of their authority nor that it is their duty in this part to doe their Countrey Justice and therefore praying leave and offering to prove the facts he has denyed in such manner as your house shall think most proper, they pray your Ex^{ty} and Hon^{rs} concurrence that (on such a prooffe) a Clause may be added to the Bill to be drawn for the Laying the leavy to Enjoyn the paym^t of the said Tob^o and money towards defraying the publick charge.

Signed p order Tho: Macnemara Cl: Lo: ho:

Sent to the Upp^r house by Co^l Hoskins Maj^r Willson Co Scott Cap^t Codd Cap^t Greenfield and M^r Joseph Hill.

They return and say they delivered it.

L^t Co^l Young and John Hall Esq^r from the Upper house deliver M^r Speaker the following Message (viz)

By the Upper house of Assembly
Aug^t 3^d 1716.

Gent.

Since you are of opinion that the Continueing the law for killing Crows & Squirrells is so Beneficial to the Countrey and that wee have no other designe than to prevent the Countyes being Imposed upon by Evill persons obtaining unjust allowances, wee conceive you did not apprehend our true meaning, in our last Message, so that wee are obliged again to tell you p. 201 That it is our opinion if the County courts should take care every court to appoint one or more of their Brethren at court time to take the account of the Crows' heads and Squirrells Scalps and see them burnt there and also to receive reasonable

L. H. J. proof to the best of the Claymants knowledge that they were killed in their Countys before they give certificates It would not only prevent fraud but be rather an Ease to the Justices from being frequently troubled in their houses at other times on that occasion and this may be done by a short Supplementary Bill to the Laws in force for killing Crows and Squirrells.

Signed p order W Bladen Cl: Up^r ho:

Which is ordered to be read again and Considered in the afternoon

On a motion made the Question was putt whether Jn^o Rousby Esq^r Navall officer of Pattuxent River who received the duty of 20^s p head on Negroes Imported by Cap^t Tippington in Current money before the law that Requires that duty to be paid in Sterling was notified shall be obliged to account for & pay the same in Sterling to the publick

Resolved in the Negative.

Col Whittington and Philemon Lloyd Esq^r from the Upper house deliver M^r Speaker the following Message (Viz)

By the Upper house of Assembly
Aug^t 3^d 1716.

Upon reading your last Message by Maj Willson and Cap^t ffrisby his Ex^{cy} the Governour has been pleased to declare that tho his letters from the Lord Prop^r and his Guardian direct him not to alter any thing in the Substance but that he may vary in the Stile of the Law now to be past for the application of the 18^d p hh^d yet he thinks that what the Lower house has proposed is so reasonable that he shall agree thereto on his Lordships behalf provided this Assembly will pass a Vote that in case he should be obliged by law to make good his Lordship the 8 p Cent on the Collection of that duty this Province shall reimburse him the money, For that as his Ex^{cy} is no gainer by this matter It is very unreasonable he should be a looser thereby.

Signed p order W Bladen Cl: Up^r ho:

The Consideration whereof is referred till to morrow.

L^t Co^l Tilghman from the Upper house delivers M^r Speaker the foll (viz)

A Bill for makeing good a Sale of land from Joseph Bridger decēd to Thomas Jones deced Endorsed

By the Upper house of Assembly

L. H. J.

Aug^t 3^d 1716.

This Bill being read again in this house wee being Satisfied of the payment are willing the same should pass.

Signed p order W Bladen Cl: Up^r ho.

Read the third time in the Lower house and past for Engrossing and ordered to be so Endorsed.

Co^l Smith from the Upper house delivers M^r Speaker the petition of John Broome high Sherr: of Calvert County praying leave to bring in a Small bill for Continueing him in his office till June next thus Endorsed (Viz)

By the Upper house of Assembly

Aug^t 3^d 1716.

This petition being thought reasonable is Recommended to the Lower house to admitt a short Bill for his relief and make provision for the Continueing Sherriffs who come in their offices under his Circumstances that they may compleate their three years Collections

Signed p order W Bladen Cl: Up^r ho:

Which was ordered to be read again and Considered in the afternoon p. 202

The house adjournes till one a Clock in the afternoon

Then the Members being called over mett present as in the morning.

M^r Bordley from the Comittee of Laws delivers M^r Speaker

A Bill ascertaining the Gauge and Tare of Tobacco Hogsheads and to prevent Cropping Cutting and defacing Tobacco taken on board ships or Vessells upon ffreight and for laying Impositions on To^{bo} p the hh^d for the Support of Government and for the Encourageing Settlements in this Province and for takeing the 3^d p hh^d formerly raised for the publick charge, which was read the first and second time by Especial order and will pass, and

Ordered to be so Endorsed

Sent To the Upper house by M^r Stoddert, Maj^r Willson M^r Lloyd Cap^t Codd M^r Hill, Cap^t ffendall and M^r Charles Wright

They return and say they delivered it.

And the following Resolve p^rpared by the Com^{ms} of Laws and brought down by M^r Bordley was approved of & Entred

L. H. J. Viz: Resolved that To^{bo} being so greatly burthned with the present duties be not burthned with the paym^t of the 3^d p^p hh^d given to the Governour for the time being, at any time after the Expiration of the present law that is now in force & gives the same, the provision made for such Governour by the act past this Assembly for the ascertaining the Gauge and Tare of To^{bo} hh^{da} &c: being adjudged an Equivalent Provision to any, that has been heretofore reasonably made.

Philemon Lloyd Esq^r from the Upper house delivers M^r Speaker the petition of Rich^d Evans Constable of the City of Annapolis praying an allowance may be given for serveing of warrants on Sundry persons within the said City and Several days attendance thereon thus Endorsed Viz.

By the Upper house of Assembly
Aug^t 3^d 1716.

The within Petitioner haveing Executed several warrants summoned many Evidences and attended several days on the Magistrates who made Inquiry into the said Disturbances by drinking the pretenders health, and firing the Great Gunns in this City wee recomend him to the Lower House to Direct the Committee of accounts to make him a suitable Reward for such his services, there being no certain fees allowed him by law therefore

Signed p order W Bladen Cl: Up^r Ho:

It is therefore ordered the Com^{rs} of accounts allow the Pet^r 200th of Tob^o

In answer to a Message brought down of Yesterday from the Upper house by Co^t Holland & Co^t Coursey about fines for ordinary licences the foll: Message was prepared and Ordered to be Entred thus (Viz)

By the Lower House of Assembly
Aug^t the 3^d 1716.

May it please y^r Hons.

In answer to your Message of Yesterday by the Hon^{ble} Col Holland and Col Coursey about the fines for ordinary lycences which you thereby Intimate to be given by his Lordship to M^r Beake and M^r Low the Secretarys of this Province, Wee acquaint you that wee find by the Journalls of the House of Delegates dureing the time that S^r Thomas Lawrence was secretary of this Province many debates and Contests happned
p. 203 on that Subject between the Countrey and him whereby wee find the Countrey never did agree he had any right thereto

and now that the Government is in my Lord Prop^r which L. H. J. may occasion new Arguments and that this matter requiring mature Consideration has been so lately laid before us and that the other Business laid before this house is pretty nigh finished which gives us hopes that this Sessions in near a Conclusion the Continuance of which would occasion a great charge to the publick wee pray your Hon^m will agree to referr that matter to the consideration of the next Sessions

Signed p order Tho: Macnemara Cl: Lo: Ho:

Sent to the Upper house by Esq^r Rousby M^r Charles Wright M^r Jowles & M^r Baker Who return and say they delivered it.

In answer to a Message brought down from the Upper house this day by Co^l Young and John Hall Esq^r about the heads and Scalps of Crows & Squirrells the following Message was prepared and ordered to be Entred thus (Viz)

By the Lower house of Assembly
Aug^t the 3^d 1716.

In answer to your Message this day by L^t Co^l Sam^l Young and John Hall Esq^r about the heads and Scalps of Crows and squirrells, Wee agree to the bringing in a Supplementary bill Empowering and requiring Every Magistrate before whom any Squirrells or Crows heads are produced to require reasonable proofes to the Best of the Claymants knowledge that they were killed in the County before any Certificate shall be given and to see such heads or Scalps burnt, but to oblige the Claymants to goe to court would be a means to discourage many from Killing the said Vermine for persons liveing at a great distance from the Court will hardly think it worth while to Carry a few heads thither and wee also agree that a clause shall be inserted that no Squirrells or Crows heads or Scalps Killed by Indians be paid for all which It's hoped will prevent the Countreys being Imposed on

Signed p order Tho Macnemara Cl: Lo: Ho:

Sent to the Upper house by Maj^r Willson, M^r Turbutt M^r Hill & Cap^t Greenfield.

They return and say they delivered it.

Ordered that Sam^l Young Esq^r the Treasurer of the Western Shoar pay unto his Ex^{ty} John Hart Esq^r twenty pounds sterling to Reimburse him the money he paid for discovering the persons that fired the Gunns on the Supposed anniversary or Birth day of the person Commonly called the

L. H. J. pretender and that on his Ex^{ty} receipt being produced the same shall be allowed the said Treasurer in account by the publick.

The house adjournes till 8 a Clock to Morrow Morning.

Saturday Morning the 4th of Aug^r 1716

The house being called over members were present as yesterday.

The proceedings of the House on Yesterday were read.

On a motion being made the Question was putt whether M^r Thomas Bordley one of the members of this house should be permitted to act as Council for Edward Lloyd Esq^r in the Up^r house upon the vote of this house for his refunding some allowances made him as a Councillor dureing his presidency and on a Message from this House of Yesterday

Resolved in the Negative

p. 204 In answer to a message brought down of the second Instant from the Upper house by Co^l Thomas Smith relateing to the Bill for the peace and Safety of his Lordship's Government and Endorsment thereon of the 31st July last the following Message was prepared and ordered to be entred thus (Viz)

By the Lower house of Assembly
4th Aug^r 1716

May it please y^r hon^{rs}

Pursuant to your Message of the 2^d Instant by Co^l Thomas Smith relateing to the bill for the peace and Safety of his Lordships Government and your Endorsment on the said Bill of the 31st of July last, Wee have amended and made a further Addition to the said Bill giving persons Concerned in my Lord's Private affairs liberty to transact them for twelve moneths next Ensueing which bill is herewith sent that your Hon^{rs} may on reading the same see whether you like the Addition or whether the amendments be Conformable to what you proposed till which time this house would not pass it, for Engrossing.

Signed p order Tho: Macnemara Cl: Lo: Ho:

Sent to the Upper house with the Bill by M^r Stoddert, & Co^l Maxwell

Who return and say they delivered it.

Co^l Whittington from the Upper house delivers M^r Speaker the following Message (Viz.)

By the Upper house of Assembly
Aug^t 3^d 1716

L. H. J.

Gent.

In answer to your Message by M^r Rousby & three more of your house, His Ex^{ty} is pleased to declare that in his opinion the right to those ordinary lycences is in my Lord Baltemore, Tho it never was in S^r Thomas Laurence and that the Secretarys may sue any that keep ordinarys or houses of Entertainment upon this Assembly's delaying to ascertain the fines for what they think reasonable and untill such a time that it becomes a General aggrievance which will necessarily oblige the Country to make a Law to remedy the mischief you have now an opportunity to prevent

Signed p order W Bladen Cl: Lo: Ho:

The Consideration whereof is referr'd till the afternoon

L^t Co^t Rich^d Tilghman from the Up^r House delivers M^r Speaker the following Message (Viz)

By the Upper house of Assembly
Aug^t 4th 1716

Gent.

This house doe Concurr with your Message by Maj^r Willson & three more of your members relateing to Squirrells and Crows heads or Scalps.

Signed p order W Bladen Cl: Up^r Ho:

Which being read It is ordered the Com^{ms} of laws prepare a Supplementary bill accordingly.

Maj^r James Harris has leave of this house to depart.

The house takeing into Consideration John Broomes Petition Endorsed by the Upper house and referred from Yesterday to be considered of this day the Question was putt whether leave shall be given to bring in a Bill as prayed.

Resolved in the Negative.

On which the following Message was prepared.

By the Lower house of Assembly
4th Aug^t 1716

M^r Broomes Petition and your Endorsment has been Considered and since it is Evident M^r Broom knew of that Inconveniency when he accepted of the said office of Sherrieff wee in regard his predecessors has undergone the Inconveniences

L. H. J. he prays remedy ag^t think it Improper to agree to the bringing in any such bill in his favour being unwilling to doe any thing Contrary to the Act in th^t Case made and provided.

p. 205

Signed p order Tho: Macnemara Cl: Lo: Ho:

Sent to the Up^r house by Co^l Mackall and M^r Charles Wright

They return and say they delivered it.

Resolved That if his Ex^{ty} John Hart Esq^r Governour of this Province shall at any time hereafter be obliged by law to pay or make Satisfaction to the R^t Honb^{le} the Lord Prop^{ty} for the Sallary of 8 p C^t deducted by the several navall officers that Collected the duty of 18^d p hh^d out of that duty that he shall be reimbursed the same with the Law charges out of the Publick fund of this Province.

A Bill for makeing Valid a Conveyance of land from Anthony Ivy & his wife to Richard Moore and Edith his wife, was read the first and second times by Especial order and will pass and was by order so Endorsed.

Sent to the Upper house by M^r Charles Wright & M^r Will^m Turbutt

They return and say they delivered the Bill

Co^l Addison from the Upper house delivers M^r Speaker the following Message (Viz)

By the Upper House of Assembly

Aug^t 4th 1716

Gent.

We have considered the Clause Exempting those who negotiate his Lordships private affairs and approve thereof The words To the End his Lordship may not be disappointed or Surprized in his private Circumstances being omitted as well as the limitation of 12 months.

Signed p order W Bladen Cl: Up^r Ho:

Together with the Bill therein referred to, the Consideration whereof is referred till the afternoon.

L^t Co^l Sam^l Young from the Upper house delivers M^r Speaker,

The Bill for makeing Valid a Conveyance of land from Anthony Ivy and his wife to Rich^d Moore and his wife &c: Thus Endorsed—

By the Upper house of Assembly
4th Aug^r 1716

L. H. J.

Read the first time and will pass

Signed p order W Bladen Cl: Up^r ho:

And was read the third time in the house and past for Engrossing.

The house Adjournes till one in the afternoon

Saturday in the afternoone.

Then the House mett and being called over members were present as in the morning Except M^r Stoddert, and Cap^t Colegate who had leave to departe to their Respective habitations on their Several promises to attend the publick Service next Munday.

In answer to a Message brought down this morning from the Upper house by Co^l Whittington relateing to the fines on ordinary lycences the following Message was prepared and ordered to be Entred thus (Viz)

By the Lo: house of Assembly
4th Aug^r 1716

May it please y^r hon^{rs}

In answer to your Message this Morning by Co^l Whittington about the ffines on ordinary lycences, wee are of opinion that entring on the debates and Controversies which wee apprehend will arise on that Subject (this house not being Satisfied that the right is in my Lord Baltemore) whereby this Sessions must necessarily be Continued longer than other wise It would be, will prove a Greater inconveniency than any can happen by referring the said fines and right to them to the Consideration of the next Sessions and therefore humbly pray your Hon^{rs} to agree to a Reference of the Consideration of them till that time. p. 206

Signed p order Tho: Macnemara Cl: Lo: House.

Sent to the Upper house by M^r Turbutt and M^r Richard Warfield

They return and say they delivered it.

In answer to a message Brought down this day from the Up^r house by Co^l Addison relateing to some amendm^{ts} proposed by the Upper house in the Bill for secureing the peace of his Lordship's Government &c: The following Message was prepared and ordered to be Entred (Viz)

L. H. J.

By the Lower house of Assembly
Aug^t the 4th 1716

May it please y^r hon^{rs}

As to the amendm^{ts} proposed in the bill for securing the peace of his Lordships Governm^t &c: they seem to this house to be such as would give the persons thereby Intended to be restrayned greater liberty than was ever Intended them by the former laws of the Province which are yet in force and wee are humbly of opinion as the act for obligeing the oath of Abjuration to be taken by officers &c: had no such provisionall Exemption as that proposed in the afore mentioned Bill and yet was never Construed to extend to those that are designed to be exempted by such provisoe so wee believe the said Act would as fully answer the designe of both houses if the said proposed Exemption were wholly omitted.

Signed p order Tho: Macnemara Cl: Lo: Ho:

Sent to the Upper house with the Bill by M^r Young and Cap^t frisbury

They returne and say they delivered the same

M^r Joseph Hill from the Committee of accounts delivers M^r Speaker the Journall of that Committee, This Sessions which was read.

Co^t Whittington from the Upp^r House delivers M^r Speaker the foll Message.

By the Up^r house of Assembly
Aug^t the 4th 1716

On Consideration of your Answer by Co^t Mackall and M^r Charles Wright to our Recomendation of M^r John Broome's Sherriff of Calvert County's Petition wee must say wee think that the petitioner is in very hard Circumstances to goe out of his office in ffeb^r next before he can make his third years Collection which may be the like fate of his Successor or Successors unless some of them happen to dye at a more Convenient time about the latter end of May or begining of June and without which accident the same Inconveniency will and may attend that and Severall other Counteys wherefore wee desire you will resume the Consideration thereof

Signed p order W Bladen Cl: Up^r Ho:

Which being read is ordered to be referred to the Consideration of this house on Monday next.

The house adjournes till 8 a Clock Monday morning

Die Lunæ 6^o die Augusti 1716

L. H.

Then the house being Called over members were present as on Saturday except Maj^r Harris who by leave departed on Saturday.

Cap^t Dent and M^r Hanson are added to the Committee of Laws.

An Engrossed Bill for Transferring the paym^t of the fines & forfeitures &c: Hereafter to my Lord Baltemore.

An Engrossed Bill, directing the manner of Electing and Summoning Delegates &c:

An Engrossed Bill Empowering the surviveing Ex^{rs} of p. 207 Robert Smith Esq^r deceased To sell Lands &c.

An Engrossed Bill for reliefe of Peter Sawell.

An Engrossed Bill for an Additional duty of 4ⁿ p poll on Negroes and Irish Servants &c:

An Engrossed Bill for Confirming a Sale of Land made by Anthony Ivy and Anne his wife to Thomas and Jn^o: Davies were read this 6th of Aug^t 1716 and Assented to by the Lower house of Assembly and severally

Signed p order. Tho: Macnemara Cl: Lo: Ho:

Which Engrossed bills except that for summoning and Electing delegates were Sent to the Upper house by M^r Tyler M^r Young M^r Turbutt & M^r Brannock

They return and say they delivered them.

M^r Stoddert from the Com^{ms} of Laws delivers M^r Speaker A Supplementary Bill to the Act for Killing Wolves Crows and Squirrells which was read the first and second times and by Especial order will pass and so Endorsed.

Sent To the Upper house by Co^l Hoskins and Cap^t Codd

They return and say they delivered it.

M^r Will^m Whittington Jun^r has leave of the House to depart this Sessions of Assembly

Cap^t Mariartee appears in the House this day

A Bill for confirming a Sale of Land made by Anthony Ivy and Anne his wife to John Alla was read the first and second time by especial order and will pass and so Endorsed.

Sent to the Upper house by M^r Charles Wright and M^r Pollard

They return and say they delivered it.

The house Adjournes till one in the afternoon

Then the house being called over the members were present as in the morning.

L. H. J. The house proceed to consider of the Message from the Up^r House on Saturday Last about M^r Broomes Petition.

And the Question was putt whether leave shall be given to bring in a Bill as prayed, Which was resolved in the Negative by Majority of Votes.

Whereupon the following Message was prepared (Viz)

By the Lower house of Assembly

Aug^t 6th 1716

May It please y^r Ho^{an}

This house has in Compliance with your Message of Saturday last by Coⁿ Whittington about M^r John Broomes Petition, resumed the Consideration thereof and your Endorsment.

The Question was putt whether leave should be given to bring in such a Bill & Resolved in the Negative by Majority of Votes being of opinion that the bringing in such a Bill would be of no Service for the publick but that since he entred on that office in ffebruary he and all others in his Circumstance ought to be content as his predecessors were to goe out of it at the end of three years

Signed p order Tho: Macnemara Cl: Lo: Ho:

Sent to the Upper house by Co^l Mackall and M^r Dare

They return and say they delivered it.

p. 208 francis Hollingshead's petition was read and ordered to be referred to the Consideration of this House the next Sessions of Assembly.

And also the Petition of Tho^s Prior & Ledstone Smallwood was read and ordered to be referred to the Consideration of this House the next Sessions of Assembly.

Co^l Whittington from the Upper house delivers M^r Speaker

A Supplementary bill to the act for Killing Wolves Crows & Squirrells thus Endorsed Viz.

By the Upper house of Assembly

Aug^t 6th 1716

Read the first and second times & will pass.

Sign'd p order W Bladen Cl: Up^r Ho:

Read the third time in the Lower house and past for Engrossing.

M^r Bordley from the Comittee of Laws delivers M^r Speaker—A Bill for Continuance of the Process within this Province in the Change of the Governm^t from the Crown to the R^t Hon^{ble}

the Lord Prop^r and for the adjournment of the Several L. H. J. County courts from Aug^t 1716 Which was read the first and second time and by Especial order will pass, and was so Endorsed.

Sent to the Upper house by M^r Rousby Cap^t Greenfield Cap^t Dallahide M^r Pollard and M^r Dashield.

They return and say they delivered it.

L^t Co^t Young and Philemon Lloyd Esq^r from the Upper house deliver M^r Speaker, The Bill for the Better Security of the peace & Safety of his Lordship's Government and the protestant interest within this Province with the following Message (Viz.)

By the Upper house of Assembly
Aug^t 6th 1716

Gent.

On Consideration of your Message on Saturday last by M^r Will^m Young and Cap^t frisbury, Wee are willing to shew our due Regard to his Lordsp's private Interest and therefore thô wee have no designe to give any greater Liberty than Intended by former Laws of this Province yet wee think it advisable that the provisoe or Exemption in this Bill remaine as now proposed and amended.

Signed p order W Bladen Cl: Up^r Ho:

Which bill was read with the amendments proposed by the Up^r House the 3^d time and past for Engrossing.

Co^t Coursey from the Upper house delivers M^r Speaker A Bill for Confirming and makeing Valid in Law a Conveyance of land made by Anthony Ivy and Anne his wife lately deceased to John Alla of Queen Ann's County thus Endorsed

By the Upper house of Assembly
Aug^t 6th 1716

Read the first time and will pass.

Signed p order W Bladen Cl. Lo: Ho:

Read the third time in the Lower house and past for Engrossing.

Co^t Addison from the Upper house delivers M^r Speaker The Bill for Continueing of the process within this Province in the change of the Governm^t from the Crown to the Right Honb^{le} the Lord Prop^r and for the adjournem^t of several County courts from Aug^t 1716 Thus Endorsed—

L. H. J.

By the Upper house of Assembly
Aug^t 6th 1716

Read the first time and will pass with the amendm^t

Signed p order W Bladen Cl: Up^r Ho:

p. 209 Read the third time in the Lower house and past for
Engrossing.

M^r Bordley from the Com^{ee} of Laws delivers M^r Speaker
A Bill pmitting the Inhabitants of this Province to Issue out
writts when Pl^{ts} and appear and give Judgment when Def^{ts} in
the Several Courts there and in their own proper person,
which was read the first & second time by Especial order and
will pass and so Endorsed.

Sent to the Up^r House by Co^t Hoskins M^r Tyler M^r Pollard
Cap^t Dallahyde and M^r Dashield.

They return and say they delivered it.

The house adjournes till 8 a Clock to morrow morning

Tuesday morning 7th of Aug^t 1716

Then the house being called over the members were pres-
ent as Yesterday Except M^r Will^m Whittington who had leave
to depart this house dureing this Sessions of Assembly.

The proceedings of the House of yesterday were read

L^t Co^t Tilghman from the Upper house delivers M^r
Speaker The Bill pmitting the Inhabitants to sue in their own
names &c: thus Endorsed—

By the Upper house of Assembly
Aug^t 6th 1716

Wee have read and Considered the Bill and doe think that
the giving liberty to psons to sue out Writts in their own
names will Introduce many Inconveniencies and Mischief such
as gratifyeing Revenge mislaying their actions and con-
sequently paying Costs of Suite and being nonsuited but as
to that part of the Bill admitting people when sued to appear
in their proper persons and when Bail given if required to
confess Judgm^t without Employing an attorney wee readily
agree thereto

As to the last clause obligeing the Attorneys not to sue for
his fee till the cause is finished wee are afraid, It will occasion
attorneys who have good practice to refuse poor men's causes,
unless they pay them before hand.

Signed p order W Bladen Cl: Up^r Ho:

L^t Co^l Young, and Co^l Tho^s Addison from the Upper house L. H. J.
delivers M^r Speaker

The Bill ascertaining the Gauge and Tare of To^b hh^d to
prevent Cropping and Easing the To^{bo} Trade thus Endorsed
(Viz)

By the Up^r House of Assembly

Aug^t 6th 1716

Read the first time and will pass with the Amendm^{ts} pposed

Signed p order W Bladen Cl: Up^r Ho:

And also the amendment thereby proposed as follows—

By the Up^r House of Assembly

Aug^t the 6th 1716

Gent.

Upon Reading and Consideration of the Bill for ascer-
taining the Gauge of To^{bo} hh^d &c: and laying Imposition on
To^{bo} &c:

Resolved the following amendm^{ts} be proposed to the Lower
house first that it be added to the title of the law by ascertain-
ing the man^r of paying his Lordships alienation fines and
Quitt Rents for the term therein proposed.

That in the 2^d folio the Word disuse be said Instead of p. 210
Contempt That a Larger penalty be putt on the Justice or
other officer refusing to View and Examine any Tob^o
Hoggsheads.

That in f^o (3) the Coroner be named with other officers in
the Enacting part That where my Lord Baltemore is mentioned
it should be said the Right Hon^{ble} the Lord Prop^r or the
Right Hon^{ble} Charles Lord Baron of Baltemore.

That the 12^d p hh^d to the Governour be Received by the
proper officer by him to be appointed.

That the last clause of the Law Intended to disburthen the
severall branches of the Revenue intended to be raised by
this Act from bearing any more charges than their Separate
proportions of the Sallarys for Collecting be in these words.

And be it further Enacted and Declared by the authority
af^d by and with the advice and Consent af^d that the publick of
this Province shall not be Burthened or charged with any
Sallary or Sallarys for the Collecting all or any of the dutys
and Impositions therein before mentioned to be raised Save
only the duty of 3^d p hh^d on To^{bo} Exported by this Act appro-
priated for the purchasing arms and ammunition for the defence

L. H. J. of this Province which shall and whereby Intended to be received by the severall Navall officers of the Respective Ports where the same shall arise for which receiveing they shall be allowed at the rate of 8 p Cent. and be and are hereby obliged to account therefore with the publick Treasurer of this Province who shall render an account thereof to the Generall Assembly when thereto required and which Treasurers for receiveing accounting for and paying the said duty as may be directed according to the Intention of this act, shall have and receive, the usuall Sallary of 5 p Cent as is allowed them upon other Imposts to the Countrey's use and no more.

Wee recommend a Clause to oblige the Clerk of the Provincial court and the County Clks yearly to return to the said Prop^r agent an account of all alienations in their Severall Countys Ex officio under a penalty.

Wee further Communicate to your House part of a Letter from the Right Hon^{ble} the Lord Guilford, and the Lord Prop^r dated in Aprill last (Viz) You must likewise take special care that a Clause be putt into the new Intended law obligeing our Severall tenants to pay their Tob^o Rents and alienation fines in that County they hold their Lands in and that our said Tob^o rents have the preference to all other debts and be upon Execution.

Wee find severall people here allarmed at the Clause in the late Law about our Revenue relateing to the security the severall Masters are to find ag^t Cropping or other wise damaging the Tob^o in their Voyage homewards and they say it will be Impossible for severall of the said Masters to find the security you will be pleased to talk with M^r Bordley and M^r Carroll on this head and make it as unexceptionable as may be.

In the said Laws where the Masters of Vessells are obliged to Satisfie the dutys and Impositions before the departure of his or their Vessells there is nothing which give them power to Collect from the severall Shippers or owners of the Tob^o their proportion which some here likewise think ought to be in the new Intended Law.

p. 211 Wee also send you M^r Carrolls remarques on the said Bill.
Signed p order W Bladen Cl: Up^r Ho:

Together with M^r Carrolls remarks mentioned in the said proposed amendm^t as follows (Viz)

Tuesday morning Aug^r the 7th 1716.

L H. J

May It please your Hon^{rs}

I know his Lordship Expects that the 15^d mentioned page the 14th shall be made payable to himself or what person he shall appoint to receive the same and agrees that 3^d thereof shall by a Clause be applyed for furnishing arms and Amunition &c:

The words by him appointed page 15 interlined were better left out and thereby more Respect shewed his Lordship

In the last f^o but one the Clause for Reshipping To^{bo} is very unreasonable my Lord giving up his whole Revenue in Consideration of the duty he expects without Hazard for if his Lordship should agree to the Clause and a warr should happen and a To^{bo} fleet taken his Lordship with his five Brothers and Sisters may want a Support for that year which doubtless your Hon^{rs} would think hard.

A Clause obligeing the Clk of the Provincial court & the several Clks of the Respective Countys to transmitt yearly to his Lordships agent for the time being a fair list of all alienations recorded in any of their offices and that Ex officio and under a Certain penalty

This is what has occurred to me upon the Cursory reading of the Rough draught of the Law and desire your hon^{rs} will let me have the perusal thereof when it shall be fairly Copied

I am your Hon^{rs} humble Ser^t
Charles Carroll

M^r Tyler from the Comittee appointed for Inspecting the offices in the Stadt house delivers M^r Speaker the following Report—(Viz.)

Maryland ss

A Comittee appointed on ffriday the third day of Aug^r 1716 by the Up^r and Lower houses of this present General Assembly to view and Inspect in what Condition the Several offices in the Stadt house are in for the safe keeping the several Records belonging to the same offices are

The Honble { Col W^m Holland
L^t Col: Sam^l Young } of the Upper house
Col Tho^s Smith

and

{ M^r Rob^t Tyler
M^r James Lloyd
M^r Charles Wright } Col Nathaniel Hynson
Capt Tho^s Dent } of the Lower House.

L. H. J. Whereupon wee of the Comittee proceed to view and Inspect in what Condition the severall offices aforesaid are in for the Safe keeping the Records upon which Inspection wee find all the publick offices well fixed for the Safe keeping the records Except the Chancery and land offices (That is to say) the Chancery office wants one Desk table and two formes and Pigeon holes in the same manner, as other offices are
p. 212 fixed, and the land office wants more Desks in order to receive the several records that are to be Joyned to the said office, and further for the Safe keeping the Records the severall windows of the said State House ought to be well mended they being now much broken as well the Shutters as the Glasses and further Wee find a Leak on the North side of the said house in the Roofe, Just at the Stair head, and the Severall offices aforesaid or most of them want good Locks and Keys all which wee referr to the Consideration of the house.

Signed p order John Beale Cl: Com^{rs}

Which being read it is ordered that the Com^{rs} appointed by the Act for repairing the Records see the said offices repaired accordingly.

The house proceeded to consider of John Rousby Esq^r's account of the 3^d p hh^d for arms and amunition And thereupon the following Message being prepared was ordered to be entred (Viz.)

By the Lower house of Assembly

Aug 7th 1716

May It please y^r Ex^{ncys}

John Rousby Esq^r pursuant to your Ex^{ncys} Directions has laid before this house his account of the 3^d p hh^d appropriated by Her late Ma^{ty} for the purchass of Arms &c: for the defence of this Province which 3^d from the 19th day of November in the year 1707 to the 28 day of October 1715 amounts in the whole to 1909: 5: 9: sterl: out of which wee find the said John Rousby Contrary to the tenour of the Receivers Comission granted to George Plater Esq^r by King William and Queen Mary and the End for which the said 3^d was designed deducts the full Receiver's Sallary of 100^{li} Sterl p annum

Wee beg leave to referr your Ex^{ncys} to the Entry of the said Comission granted to the said George Plater made in the Secretarys office and to the Resolution of the House of Delegates on the 9th November 1709 and on the 13 of May 1715 and of your Ex^{ncys} and the Hon^{ble} Councill of the 14th of the same moneth and to the 26th article of her late Ma^{ty}'s Instruc-

tions to your Ex^{cy} on Consideration of which it is hoped your L. H. J. Ex^{cy} will be of opinion that the said John Rousby's deduction of 100th Sallary p annum out of the said 3^d is unwarrantable he acting pursuant to the s^d Comission and none other and that therefore your Ex^{cy} will order such measures to be taken as will oblige the said John Rousby to account for and pay the said 3^d p hh^d at least without deducting any more than its proportion of the Receivers Sallary and wee humbly pray that y^r Ex^{cy} will order that the money ariseing due by the said 3^d p hh^d since the said 28th day of October 1715 be accounted for and the payment thereof secured in order to be ready to Answer the end it was designed for

Signed p order Tho: Macnemara Cl: Lo: Ho:

Sent up by M^r Maccall M^r Alexander Warfield and M Bond.

They return and say they delivered it.

Col Coursey and Co^l Whittington from the Upper house deliver M^r Speaker The Bill for repairing and securing the records &c: With the followiug Message (Viz)—

By the Upper house of Assembly
Aug. 7th 1716

Gent.

Wee have considered this Bill and the report of the Com^{ee} to view the Several offices in what condition they are to secure The Records wee agree to the report of the Comittee here with sent you but must still insist that the security required of the Secretary should be but 1000th Sterl: for the Provincial Chancery & land Records, being of opinion that that sume of money will be Sufficient to answer any Damage may be done by that officer, before the same is discovered

p. 213

Signed p order W Bladen Cl: Up^r Ho:

The house Concurr therewith. Together with the Report of the said Comittee with the following Indorsment (Viz)

By the Upper house of Assembly
Aug^t 7th 1716

This house doe concurr with this Report that the Stadt house be repaired and the offices fixed as the Gen^t of the Comittee have thought necessary.

Signed p order W Bladen Cl: Up^r Ho:

L. H. J. And the said Bill was read the 3^d time and past for Engrossing.

The house Adjournes till one a Clock in the afternoon.

Then the house being called over members were present as in the morning

Then the house proceeded to consider of the Amendm^u proposed by the Upper house to the Bill ascertaining the Gauge & Tare of To^{bo} hogsheads, Whereupon the following Message was prepared & ordered to be entred as foll^o (Viz)

By the Lower house of Assembly
Aug^t 7th 1716

May it please your Hon^{rs}

The amendm^u proposed by the Up^r House to the Bill ascertaining the Gauge & Tare of To^{bo} Hogsheads &c: of the 6th Instant have been read and considered and this House agrees to the 6 first proposed amendm^u and also approves of the last clause you proposed in the said Intended Bill to disburthen the Several Branches of the Revenue intended to be raised any more than their Seperate proportions Save that in Regard the Treasurers Trouble in receiveing paying and accounting for the 3^d for arms &c: being not half what it is in other moneys he receives for the Publick's use, It is the opinion of this House that two and a half p Cent is a Sufficient Sallary for him out of the said 3^d

This house agrees that the Clk of the said Provincially & the Severall County Clerks for the future shall once yearly (viz) the Clk of the Provincial under the penalty of 10th Current money and the County Clerks under the penalty of 5th Current money make out an account of all alienacōns ready to be delivered the Agent of the Lord Prop^{ry} when called for at the respective offices, As to the part of the R^t Hon^{ble} the Lord Guilford and the Lord Prop^{ry}'s letter you were pleased to Communicate to us, Wee hope that the advanceing the additionall 6^d p hh^d to my Lord Prop^{ry} in full of his land Rents and fines for alienations removes the necessity of Inserting in the Intended Act the Clause in the first paragraph of the part of the Lord's letter that was laid before us recomended, no Tobacco debts ariseing to the Lord Prop^{ry} for the future on account of the rents or alienations.

And as to the second paragraph of the said part, This house hopes your Hon^{rs} being very sensible of the many abuses Comitted by Mⁿ of Ships or Vessells that take in Tobacco on
p. 214 ffreight will concurr that limitting the time for returning prooffe

of such abuses from Great Brittain being formerly 7 years to L. H. J. 2 years will be sufficient to Satisfie those persons that are alarmed at that part of the said Law and th' that will be an Encouragment to persons to be bound for those who have or shall not give roome to be suspected of such abuses as by the said Law is designed to be prevented; and as to the last paragraph Intimateing that there is nothing in the law for raiseing the Several Impositions on To^{bo} giveing power to the Masters of Vessells and ships who before Departure are obliged to pay the said duties to Collect & receive the same from the Shippers & owners

This house is of opinion that the Consignee or Consignees of such Tobacco is by the Bills of loading usually given to pay the same to the Master on Takeing up the To^{bo} in great Brittain and has been charged by Such consignees these many years past as an Article of expence in the Sale of such Tob^o and always allowed off and payed by the Consignee & without any Clause in the Law, the master may retain the Shipped Tob^o till the duty be payed him

Signed p order Tho: Macnemara Cl: Lo: Ho:

Which message was sent to the Upper house with the said Bill by M^r Robbins, M^r Pollard M^r Alexander Warfield and M^r Brannock.

They return and say they delivered it.

In answer to the report from the Comittee appointed to View the severall offices, & the Upp^r Houses Endorsm^t The following Message was prepared (Viz)

By the Lower house of Assembly

Aug^t 7th 1716

May it please y^r Hon^{rs}

The Report of the Comittee appointed by both houses to View and Inspect in what condition the severall offices in the Stadt house are in, for the Safe keeping the severall records belonging to the same & your Endorsm^t thereon of this day is approved of, and there is an order entred on the Journall of this house Impowering the Com^{rs} appointed for seeing the records repaired to order the severall offices to be fitted up and the severall repairs made as the said report mentions.

Signed p order Tho: Macnemara Cl: Lo: Ho:

Sent to the Upper house by M^r Turbutt & M^r Taylor.

They return and say they delivered it.

In answer to the Endorsm^t of the Upper house on the Bill

L. H. J. permitting the Inhabitants to sue out writts in their own names
&c:

The following being prepared was Entred.

By the Lower house of Assembly
Aug. 7th 1716

May it please y^r Hon^{rs}

In answer to your Endorsment on this bill, wee are of opinion that those mischiefs and Inconveniencies you mention will hardly arise and if they should happen the people will have no Just grounds to Complain since the Law proposed is sett on foot at their request, and if in few years its seen the Law is prejudiciall It may be repealed and till then it's at the Choice of the Inhabitants whether they use the liberty thereby given or not.

The last part obligeing the attorneys not to sue for their fees till the Cause be ended is Sufficiently provided for by a law of this Province now in force and therefore wee shall not
p. 215 trouble your Hon^{rs} about any futher provision in that particular

Signed p order Tho: Macnemara Cl: Lo: Ho:

Sent to the Upper house by Co^t Hoskins, Cap^t Jowles and M^r Hanson

Who return and say they delivered it.

M^r Stoddart from the Comittee of Laws Delivers M^r Speaker a Bill to restrain the Ill practices used by Sherriffs in takeing Goods by fi: facias & Selling them by venditione Exponas which was

Read the first and second times by Especial order and will pass

Sent to the Upper house by M^r Stoddart Cap^t Scott and M^r Young they return and say they delivered it.

Col Coursey from the Up^r house delivers M^r Speaker

The Bill permitting the Inhabitants of this Province to sue in their own names &c: Thus Endorsed (Viz)

By the Upper house of Assembly
Aug^t the 7th 1716

Read the second time and will pass with the Retrenchm^t agreed to

Signed p order W Bladen Cl: Up^r Ho:

Which was read the third time in the Lower house and the L. H. J. Question was putt whether it should pass for Engrossing, or that the same should be amended.

Resolved it be amended.

Upon which it was ordered to be sent to the Upper house with the following Endorsment thereon (Viz)

By the Lower house of Assembly

7th Aug^t 1716

May It please y^r Hon^m

Upon reading this Bill the 3^d time in order to pass it for Engrossing It's observed that there is not such a liberty given the defend^t to appear and Imparle to the next Court Ensueing the return of the writt as was designed therefor this House being Sensible such liberty would be of great Service to the People and a means to ease them from unnecessary charges have amended the Bill accordingly and pray your Hon^m Concurrence.

Signed p order Tho: Macnemara Cl: Lo: Ho:

Which bill with the Endorsment was sent to the Upper house by Maj^r Willson M^r Pollard and Cap^t Dallahyde.

Who return and say they delivered it.

M^r Stoddart from the Comittee of Laws delivers M^r Speaker A Bill Settling the Government in case of the death or absence of his Lordships Governour, which was read the first and second times by Especial order and will pass and so Endorsed.

Sent to the Upper house by Col Mackall Cap^t Codd Cap^t ffrisby & M^r Alexander Warfield.

Who return and say they delivered it.

M^r Tyler from the Comittee of agrievances delivers M^r Speaker The following Report (Viz)

By the Comittee of aggrievances

Aug. the 7th 1716

It is humbly offered to this Comittee as an aggrievance that those Gen^t Deputed by his Ex^{ty} the Governour to grant lycences for marriages in the severall Countyes should be allowed to grant lycence to persons that doe not Reside in the County where the lycence is Granted by the Gen^t Deputed ^{p. 216} w^{ch} if not prevented may occasion unlawfull marriages.

It is further humbly offered to this Comittee as an Aggrievance that any Negroe should be allowed to give Evidence

L. H. J. upon any occasion whatsoever ag^t any person whatsoever, this Committee being Informed that some Negroes have been sworn and admitted as Evidences.

It is further Humbly offered to this Committee as an ag-grievance that any free Negroe man or Woman should be allowed to marrie any White woman or man unless there be a law to oblige them to become Slaves and to be Sold by the County where the fact should be Comitted for the use of the County

All which foregoeing Aggrievances are humbly referred to the Consideracon of the house.

Signed p order Jn^o Beale Cl: Com^o

M^r Thomas Reynolds high Sherriff of Annarundell County's Petition Complaining of the Insufficiency of the Goal of the said County was read together with the Endorsment thereon by the Committee of Aggrievances which was ordered to be entred as follows (Viz)

By the Committee of Aggrievances
Aug^t 7th 1716

Upon reading the within Petition and upon due Consideration thereof, wee referr the Consideration of the said Petition to the House for the releif of the within Petitioner as within prayed.

Signed p order Jn^o Beale Cl: Com^o

Philemon Lloyd Esq^r and L^t Co^t Tilghman deliver M^r Speaker

The Bill ascertaining the Gage of To^{bo} Hh^{ds} to prevent Cropping and raising the Tob^o Trade &c: Thus Endorsed (Viz)

By the Up^r House of Assembly
Aug^t 7th 1716

On reading this Bill and the Message therewith sent this Board Concurrs there with save that they think that the Treasurers Sallary is not any Recompense for his Service in negotiating the Bills ariseing on that Revenue in England, which may lye in his hands some years, and not be applied if not otherwise directed by this act, wherefore wee desire he may have his full Sallary and that you will name some Responsible merchant in England to whom he may Remitt the said Revenue for Arms and that it lye at the Country's risque.

Wee also think that the Navall officers will scarce gett a L. H. J. Copie of this long law under 200^{li} To^{bo} wee are also of opinion that your House was mistaken as to that part of a paragraph of the Lord Prop^{rs} letter Communicated to you relateing to the payments of the rents and alienation fines, wherefore wee again propose it to you that a Clause be putt into this Bill obligeing the several tenants to make speedy payment of their arrearages of rent and alienation fines due from the time of the death of Charles Lord Baron of Baltemore deced untill the Commencement of this Act and as the most Effectuall means thereof It is proposed that it be done by way of Execution.

Signed p order W Bladen Cl: Up^r ho:

Whereupon the following Endorsment was made on the said Bill in answer thereto and ordered to be entred thus (Viz)

By the Lower house of Assembly

Aug^t 7th 1716

May it please y^r Hon^{rs}

Your Endorsement of this day on this Bill by Phil Lloyd p. 217 Esq^r being read this house rather than give any greater Sallary than two and a half p Cent to the Treasurer who runs no manner of Risque and undergoes little or no trouble in negotiateing that money Chuses to lett the same be under the negotiation of the Navall officers who receive it to be by them Remitted into the hands of Cap^t Hyde at the Countreys Risque and are desirous in case any more than two and a half p Cent be required the clause relateing to the payment to the Treasurer should be wholly left out.

The House is further of opinion that the allowance of 100^{li} To^{bo} is sufficient to procure a Copy of the law and as to that part of it relateing to our Mistake in the paragraph of part of his Lordships and the Lord Guilfords letter this house cannot agree to putt those rents on Execution being a thing never heretofore used or desired by the Right Hon^{ble} the Lord Prop^{rs} ancestors and the rents being Inherent to the Land are other wise well secured.

Signed p order Tho: Macnemara Cl: Lo: Ho:

Which bill with the said Endorsment was Sent up to the Upper house by M^r Tyler, Cap^t Mariartee, and M^r Baker

They return and say they delivered it.

Co^l Coursey from the Upper house delivers M^r Speaker the Bill permitting the Inhabitants to sue in their own names &c: Thus Endorsed.

L. H. J.

By the Upper house of Assembly
7th Aug^t 1716

We agree to the amendm^t proposed by your house.

Signed p order. W Bladen Cl: Up^r Ho:

Which Bill was read the third time in the Lower house after the amendm^{ts} made and past for Engrossing.

Signed p order Tho. Macnemara Cl: Lo: Ho:

Co^t Tilghman from the Upper house delivers M^r Speaker The Bill for Settling the Governm^t In case of the death or absence of the Governour thus Endorsed

By the Upper house &c:
7th Aug^t 1716

Read the first time and will pass.

W Bladen Cl: Up^r Ho:

Which was read the third time and past for Engrossing
L^t Co^t Young from the Upper house delivers M^r Speaker the Bill about fi: facias thus Endorsed.

By the Up^r house of Assembly
Aug^t 7th 1716

Read the first time and will pass.

Signed p order W Bladen Cl: Up^r Ho:

Which was read the third time and past for Engrossing.

Signed p order Tho: Macnemara Cl: Lo: Ho:

An Engrossed Bill for settling the Governm^t in case of the death or absence of the Gov^r &c: was this 7th day of Aug^t 1716 read and assented to by the Lower house of Assembly &

Signed p order Tho: Macnemara Cl: Lo: Ho:

Sent to the Up^r House by M^r Tyler Cap^t Mariartee Co^t Hynson, M^r Turbutt and Cap^t ffendall.

p. 218 They return and say they delivered the Bill.

Philemon Lloyd Esq^r from the Upper house delivers M^r Speaker The Bill ascertaining the Gauge and Tare of To^{bs} Hogsheads &c: Thus Endorsed.

By the Upper house of Assembly
Aug^t 7th 1716

L. H. J.

Gent.

As to that part of your Message by M^r Tyler and two more of your House which relates to the Sallary of the Treasurer of this Province our Board doe Concurr with you therein the present Treasurer being willing to accept of the two and half p C^t provided the Bills be Lodged in Cap^t Hyde's hands at the publick Risque as by you proposed

As to the other part of your Message which relates to his Lordship's rents &c: Wee shall insist no further on it, Wee haveing Complied with our duty in pressing on you his Lordships Directions to his Ex^{ty} the Governour in that affair

Signed p order W Bladen Cl: Up^r Ho:

Which Bill was read the 3^d time after the amendm^{ts} made and past for Engrossing.

By the Lower house of Assembly
Aug^t the 7th 1716

It is ordered That Sam^l Young Esq^r Treasurer, of the Western shoar pay unto the Hon^{ble} Nathaniel Blackiston his yearly Sallary of 100th Sterling for being Agent for this Province, at the end and Expiration of this year.

The House adjournes till 8 a clock to morrow morning.

Wednesday morning Aug^t 8th 1716

Then the House being called over the members were present as yesterday.

The proceedings of the House on yesterday were read.

Then the House proceeds to consider of the petition of Tho^s Reynolds High Sherriff of Annarundell County (complaining of the Insufficiency of the publick Goal in the said County) and the Comittee of Aggrievances Endorsment thereon of the the 7th instant.

On motion made the Question was putt whether the said prison shall be repaired at the publick charge.

Resolved in the Affirmative by Majority of Votes.

Then the Question was put whether the County shall use the same Gratis, or pay an annuall rent of 1000th Tobo. for the use of the same.

Resolved by Majority of Votes that the County pay the yearly rent of 1000th tob p annum for the use of the said

L. H. J. Goale after the Repairs thereof made or that they shall not use it.

Ordered That Co^l Hoskins and Co^l Ward and Maj^r Josiah Willson goe and View the said prison and see what repairs are necessary to be done to it and Report thereon to this house to morrow.

L^t Co^l Tilghman from the Up^r House acquaint M^r Speaker that the Up^r House have agreed and assented to the following Engrossed bills (Viz)

A Bill for Transferring the fines &c: to the Lord Proprietary

A Bill Impowering the Surviveing Exⁿ of Rob^t Smith Esq^r deceased to sell Lands &c:

p. 219 A Bill for the relief of Peter Sawell &c:

A Bill laying an Additionall duty of 4th p poll on Negroes & Irish servants

A Bill for Confirming a Sale of land made by Anthony Ivy and Anne his wife to Thomas and John Davies.

A Bill for settleing the Government in case of the death or absence of the Governour.

The following Engrossed Bills were read and assented to this 8th day of Aug^t 1716 by the Lower House of Assembly and severally signed to p order and ordered to be entred thus (Viz)

An Engrossed Bill to Continue process on Change of Government &c:

A Supplementary Engrossed Bill to the Bill for killing Wolves Crows & Squirrells &c:

An Engrossed Bill for Confirming and makeing Valid in Law a Conveyance of land made by Anthony Ivy and Anne his wife lately deceased to Richard Moore and Edith his wife of Queen Anns County.

Which said three last Engrossed Bills were Sent to the Upper house by Cap^t Mariartee M^r Pollard and M^r Baker.

They return and say they delivered the Bills.

Ordered that the Treasurer of the Westerne Shoar send speedily into great Brittain for twenty pounds worth of parchment paper Ink powder Wax and Tape and other things necessary for the Countrey's use in succeeding Assemblys

And that the Clerk of this House give him an Invoice thereof

Co^l Addison from the Upper house delivers M^r Speaker the following Message (Viz)

By the Up^r house of Assembly
Aug^t 8th 1716

L. H. J.

Gent.

In answer to your Message relateing to Co^l Lloyds allow-
ances as a Councillor whilst he was president and also to your
Message Yesterday relateing to M^r Rousbys demand on the
revenue, Wee acquaint you that his Ex^{ty} being now very
much Indisposed and our house very thin by the Sickness
and absence of Severall of our Members Wee desire you will
referr those matters to the next Sessions, this Board being
unwilling at present to determine those affairs

Signed p order W Bladen Cl: Up^r Ho:

Which being read the said matters are referred to the Con-
sideracon of next Sessions.

Then the house proceeded to Tax the fees due to the
Hon^{ble} M^r Speaker and the Clerk of this house upon the
following Bills (Viz)

	H.	s.	d.
To the Hon ^{ble} the Speak ^r for Jones bill for makeing good a Conveyance from Bridger deceased.	3.	0.	0.
To the Clerk for the same bill.	1.	0.	0.
To the Speaker for Johnson's bill for Confirming 3 tracts on her and her heirs	1.	0.	0.
To the Clerk for the same bill	0.	10.	0.
To the Speaker for Renatus Smith's Bill Impower- ing him to sell land &c:	4.	0.	0.
To the Clerk for the same.	2.	0.	0.
To the Speaker for Jn ^o Alla's Bill for confirming a Conveyance of land to him and his heirs from Anthony Ivy and Anne his wife	1.	10.	0.
To the Clerk for the same	0.	15.	0.
To the Speaker for Tho ^o and John Davies's Bills for confirming a Convey ^a to them and their heirs from Anthony Ivy and Anne his wife	2.	0.	0.
To the Clerk for the same	1.	0.	0.
To the Speaker for Rich ^d Moore and Edith his wives Bill for Confirming a Conveyance to them and their Heirs from Anthony Ivy and Anne his wife	1.	0.	0.
To the Clerk for the same.	0.	10.	0.

p. 220

The house adjournes till one a Clock in the afternoon

L. H. J. The house being Called over mett present as in the morning M^r Bordley from the Committee of Laws delivers M^r Speaker An Act to Confirm his Lordships Acceptance of the 18^d p^h formerly raised which was read the first and second times by Especial order and will pass and so Endorsed.

Sent To the Upper house by Cap^t Mariartee, M^r Tyler, Cap^t Jowles and M^r Hanson they return and say they delivered it.

Co^l Coursey L^t Co^l Young, Co^l Addison, and Co^l Tilghman from the Upper house, deliver M^r Speaker the following Message (Viz)

By the Upper house of Assembly
Aug^t 8th 1716

Whereas there is now a Considerable sume of money in the Receivers hands appropriated for purchassing Arms and amunition for the better Security and defence of this Province and for that it is highly necessary the said Arms and amunition should be well preserved in good order & Condition fitt for the Service of this Province on any Emergent occasion requireing the same, Wee propose to you that an handsome house be built for the lodgeing and secureing the publick Magazine of Arms in this City and also that part of the amunition consisting of Ball lead matche & flints and all other materialls of that nature Except powder may be there secured and that the said house may be so contrived that it may likewise Serve for a Councill roome and to receive the Countrey and strangers which may resort to his Ex^{ty} the Governour on any publick occasions, and that the charge of the said Building be defrayed out of the Revenue of 3^d p^h on To^{bo} Exported appropriated to purchass Arms & amunition not Exceeding such reasonable sume as shall be thought convenient.

Signed p^r order W Bladen Cl: Up^r Ho:

Co^l Hoskins from the Committee to View the prison delivers M^r Speaker the following Report (Viz)

A Committee appointed on Wednesday the 8th of August 1716 By the Lower house of Assembly this present Generall Assembly to View and Inspect the publick prison at the City of Annapolis and to make their Report thereof to the House.

The Gen^t appointed are Co^l Phil^p Hoskins Maj^r Josiah Wilson L^t Co^l John Ward.

Whereupon the said Committee proceeded to View and Inspect the said prison and doe find the said Prison to be very much decayed the Wooden work being Rotten and the Stone Work under mined it being but Just layed within the Ground.

Wee therefore humbly offer to the House for the Repair of L. H. J. the said Prison It is necessary that a floor of lyned white oake Sleepers of Seven Inches deep be laid Close together on the Lower floor of the said prison and be layed with two Inch white oake plank Each Side plank to be well spickt down to the End of each Sleeper the rest of the plank to be well Trennelled.

Signed p order John Beale Cl: Com**

Edward Smith of the City of Annapolis undertakes to pforme the said work by the 8th day X^{br} next for which he is to be paid out of the publick Stock remaining in the hands of Sam^l Young Esq^r 20th Current money on his produceing a certificate to him of haveing done the said work under the hands of M^r George Valentine & Thomas Docwra or either of them

The following Engrossed Bills were read and assented to by the Lower house of Assembly this 8th day of Aug^t 1716 & severally

Signed p order Tho: Macnemara Cl: Lo: ho:

An Engrossed bill ascertaining the Gauge and Tare of To^{bo} hh^{ds} and to prevent Cropping and defacing of To^{bo} &c:

An Engrossed Bill for Confirmeing a Conveyance of land made by Anthony Ivy and Anne his wife to John Alla &c:

An Engrossed Bill for Confirming a conveyance of land made by Joseph Bridger decēd to Thomas Jones decēd

An Engrossed Bill for confirming 3 Tracts of land in Ann-arundell County to Susannah Johnson and her heirs &c:

Which said four last mentioned Engrossed Bills were sent to the Up^r house by M^r Tyler M^r Stoddart Cap^t Mariartee, M^r Turbutt, who return and say they delivered the Bills.

M^r Stoddart from the Comittee of laws delivers M^r Speaker A Bill repealing the Act ag^t stricking fish which was read the first & second times by Especial order and will pass and was so Endorsed

Sent to the Upper house by Co^l Scott & M^r Waghup who return and say they delivered the same.

L^t Co^l Tilghman from the Upper house acquaints M^r Speaker that the upper house have agreed & assented to the foll: Engrossed bills (Viz)

A Bill to continue process on change of Government

A Supplementary Bill to the Act for Killing Woolves Crows & Squirrells.

L. H. J. A Bill for makeing Valid a Conveyance of land from
 P. 222 Anthony Ivy and his wife to Rich^d Moore and Edith his wife.

In Answer to your Message sent down from the Upper house this afternoon by Co^l Coursey, L^t Co^l Young, Co^l Addison and L^t Co^l Tilghman relateing to the building a Convenient house for the lodgeing the publick Magazine of Arms in this City &c: The following message was prepared & ordered to be Entred Thus (Viz)

By the Lower house of Assembly
 Aug^t 8th 1716

May it please y^r Hon^{rs}

This house very well approves of your proposall for Building an handsome House for lodgeing and secureing the Magazine of Armes &c: in this City brought from the Up^r House this afternoone by the Hon^{ble} Col Coursey and three others of the Up^r House and in order to Settle the manner of Effecting the same desire some of the Hon^{ble} members of the Up^r House will Conferr with M^r Tyler Co^l Mackall M^r Stoddart M^r James Lloyd, Co^l Hoskins and L^t Co^l Edward Scott of this house about the same and that your Hon^{rs} will appoint the time and place

Signed p order. Tho^s Macnemara Cl: Lo: Ho:

Sent to the Up^r House by M^r Tyler Co^l Mackall M^r James Lloyd Co^l Hoskins and L^t Co^l Edward Scott who return and say they delivered it.

The Journall of the Comittee of accounts was this 8th day of Aug^t 1716 read and assented to by the Lower house of Assembly &

Signed p ord^r Tho. Macnemara Cl: Lo: Ho:

Sent to the Up^r House by M^r Hill, L^t Co^l Edw^d Scott & Cap^t Greenfield they return and say they delivered it.

Phil: Lloyd Esq^r from the Up^r House delivers M^r Speaker the following Bills (Viz).

A Bill Confirming the 18^d p hh^d to the Lord Baltemore
 The Bill repealing the Act against Strikeing ffish.

Which two Bills were severally Endorsed as follows.

By the Up^r house of Assembly
 Aug^t 8th 1716

Read the first time and past and

Signed p order W Bladen Cl: Up^r Ho:

Which two Bills were read the 3^d time and past for L. H. J. Engrossing.

Co^l Coursey from the Up^r House delivers M^r Speaker the following Message Viz.

By the Up^r house of Assembly
Aug^t the 8th 1716

Wee aggree to the Conference proposed about an House to be built for securing the publique Arms &c: and have appointed the Hon^{ble} Co^l Young, Philemon Lloyd Esq^r and L^t Co^l Tilghman, to conferr with your members thereupon this Evening at M^r Dodds

Signed p order W Bladen Cl: Up^r Ho:

The following Engrossed Bills were read and assented to this 8th day of Aug^t 1716 by the Lower house of Assembly Severally.

Signed p order Tho: Macnemara Cl: Lo: Ho:

An Engrossed Bill repealing an Act ag^t striking of ffish p. 223

An Engrossed Bill pmitting the Inhabitants of this Province to sue out writts when p^ls and appear and give Judgm^t when Defts in the Several Courts thereof in their own proper persons.

An Engrossed Bill to restrain the ill practices used by Sherr. in takeing goods by fi. fa: and Selling them by Venditione Exponas.

The House adjournes till 8 a Clock to morrow morning

Thursday morning August the ninth 1716

Then the House being Called over the members were present as Yesterday.

The proceedings of the House on Yesterday were read.

The following Engrossed Bill was read and assented to by the Lower House of Assembly this 9th day of Aug^t 1716

Signed p order Tho^t Macnemara Cl: Lo: Ho:

An Engrossed Bill for repairing the damages already sustained in the Records of the land Secretarys Commissarys and County court offices and for the security of the same records for the future.

Which said Engrossed Bill together with the three last

L. H. J. mentioned Engrossed bills were Sent to the Upper house by Co^l Hoskins, M^r James Lloyd, Maj^r Hawkins and M^r Tasker.

They return and say they delivered the Bills

The following Engrossed Bill was read and assented to by the Lower House of Assembly this 9th day Aug^t 1716 and

Signed p order Tho^s Macnemara Cl: Lo: Ho:

An Engrossed Bill directing the manner of Electing & Sumoning delegates &c

Sent to the Upper house by Esq^r Rousby & M^r Mariartee

Who return and say they delivered it.

M^r Tyler from the Conferrees appointed to consider what sume of money would be sufficient to build a House to Lodge the Countrey's arms in, Delivers M^r Speaker the following Report (Viz.)

Maryland ss

A Conference appointed by the Up^r and Lower Houses of this present Generall Assembly on Wednesday the 8th of Aug^t 1716 to consider what sume of money would be Sufficient to build a magazine to Lodge the Countreys armes in

are	{	Co ^l Sam ^l Young	{	of the	{	and
The		Phil Lloyd		Up ^r		Co ^l Mackall
Hon ^{ble}		L ^t Col Rich ^d Tilghman		House		M ^r Rob ^t Tyler
						Co ^l Phil: Hoskins,
						M ^r James Lloyd
						M ^r James Stoddart, &
						L ^t Co ^l Edw ^d Scott,
						of the Lower house.

Whereupon the Conferrees aforesaid proceeded to Consider the Subject matter of the Conference as af^d and upon due Consideration thereof the said Conferrees doe agree that a Sume not Exceeding five hundred pounds Sterling will be a Sufficient Sume to build and furnish a handsome Magazine to Lodge the Countreys armes in and as to the modell and Situation of the said Magazine It's humbly prayed by the Conferrees that his Ex^{ty} the Governour would be pleased to give his Directions therein.

Signed p order. John Beale Cl: Confer^{es}

Whereupon the following message was prepared and ordered to be Entred thus (Viz)

By the Lower house of Assembly
Aug^t the 9th 1716

L. H.J.

May it please your Hon^r

This house agrees with the Report of the conferrees about building a house for keeping the arms &c: And pray that his Ex^{ty} and your Hon^r will order and direct the Carrying on the Work. Wee propose that it would be convenient to build it to the North of the Stadt house and the front to Range with the said House And pray his Ex^{ty} and your Hon^r Concurrence.

Signed p order Tho^s Macnemara Cl: Lo: Ho:

Sent to the Upper house by M^r Tyler and Maj^r Hawkins
They return and say they delivered it.

M^r Sam^l Hopkins, M^r Thomas Dashield, M^r John Purnell & Tobias Pollard have leave to Depart the service of this House.

Co^l Addison from Upper house acquaints M^r Speaker that the Upper House have agreed and consented to the following Engrossed Bills (Viz)

The Bill repealing the act for Strikeing ffish

A Bill permitting the Inhabitants to sue in their own names.

A Bill to restrain the Ill practices used by Sheriffs in taking goods by fi. fac: and Selling them by Venditione Exponas.

A Bill for repareing and securing the Records &c:

The following Engrossed Bills were read and assented to by the Lower house of Assembly this 9th day of Aug^t 1716 and

Signed p order. Tho: Macnemara Cl: Lo: Ho:

An Engrossed bill for the better security of the peace and Safety of his Lordships Government and the Protestant interest within this Province

An Engrossed Bill for confirmeing his Lordships acceptance of the 18^d p^h formerly raised.

Which two last mentioned Bills were sent to the Up^r House by Co^l Maxwell and M^r Brannock.

Philemon Lloyd Esq^r from the Up^r house acquaints M^r Speaker that the House have agreed and assented to the Engrossed Bill for Sum^oning and Electing delegates.

On a Motion made the Question was putt, whether his Ex^{ty} the Governour shall be allowed out of the publick Stock for the repair of his House.

Resolved in the Affirmative.

L. H. J. Ordered that his Ex^{ty} be allowed the sume of ffifty pounds Current money out of the Publick Stock towards reimburseing him part of his Expences in repairing the said House and that Sam^l Young Esq^r Treasurer of the Western Shoar pay it.

Ordered That the Committee of Laws prepare a Letter to the Hon^{ble} Co^l Nathaniel Blackiston the Agent of this Province.

M^r Bordley from the Comittee of Laws delivers M^r Speaker A Bill for Encouragement of Tillage and relief of poor debtors.

p. 225 And the Question was putt whether the same should be Read.

Resolved in the Affirmative by Majority of Votes.

Then the said Bill was read the first and second times by Especial order

And the Question was putt whether the same shall pass.

Resolved in the Negative by Majority of Votes.

The house adjournes till one in the afternoon.

Then the house being called over the members were present as in the morning.

Co^l Addison from the Upper house delivers M^r Speaker the Journall of the Comittee of accounts this Sessions with the following Message (Viz)

By the Upper house of Assembly

Aug^t 9th 1716

Gent.

The Journall of the Comittee of accounts being read at this Board It is observed there is a Mistake in the Councillors Sallary to the Hon^{ble} Co^l Coursey he being only allowed in To^{bo} for seven days in stead of seventeen. There is likewise a Mistake in L^t Co^l Tilghman's Sallary being over charged 480^{li} To^{bo}

Wee also observe there is no rent allowed for the Governours house the last year nor for the two small Arms houses.

Signed p order W Bladen Cl: Up^r Ho:

Which said Journall of the Comittee of accounts is Sent to the Up^r house after the amendm^{ts} made by L^t Co^l Edward Scott.

He returns and says he delivered it.

Philemon Lloyd Esq^r from the Upper house acquaints M^r Speaker that the Up^r House have agreed and assented to the 4 foll: Engrossed Bills (Viz)

A Bill ascertaining the Gauge of To^{be} Hoggsheds &c. L. H. J.

A Bill Confirming and making Valid in Law a Conveyance of Land made by Anthony Ivy, and Anne his wife lately deceased to John Alla of Queen Ann's County

A Bill for makeing good a Sale of land from Joseph Bridger decēd to Thomas Jones decēd.

A Bill for Relief of Susannah Johnson

Co^l Coursey from the Upper house acquaints M^r Speaker that the Up^r house have agreed and assented to the 2 following Bills (Viz)—

A Bill for the better security of the peace & Safety of his Lordships Governm^t

A Bill confirming the 18^d p hh^d to the Lord Baltemore.

L^t Co^l Rich^d Tilghman from the Up^r House delivers M^r Speaker the Report from the Conferrees about a Magazine to be built in this City thus Endorsed (Viz)

By the Up^r House of Assembly
Aug^t 9th 1716

Gent.

Wee approve of this Report from the Conference about building a Magazine to secure the Publick Arms &c: & your Concurrence therewith, Save only that you have proposed it to be built to the North East of the Stadt house. Which being uneven ground & his Ex^{cy} the Governour in soe ill State of health that he cannot now view & approve the Situation, Wee desire you will concur with us that that matter be also left to his Ex^{cy} discretion to direct the placeing of it convenient to the Court house.

Signed p order W Bladen Cl: Up^r Ho:

On which the following Message was prepared (Viz)

p. 226

By the Lower house of Assembly
Aug. 9th 1716

May it please your Hon^{rs}

Your Endorsment on the report from the Conferrees about a Magazine for Arms &c: has been read, and this house agrees that his Ex^{cy} may appoint the place for building it.

Signed p order Tho: Macnemara Cl: Lo: Ho:

M^r Stoddart from the Committee of Laws delivers M^r Speaker A Bill Impowering a Committee to lay the Publick leavy for the year 1716

L. H. J. Was read the first and second times by Especial order and will pass and was so Endorsed.

Sent to the Up^r house by Cap^t Mariartee M^r Hill & Cap^t ffendall.

They return and say they delivered it.

Co^l Coursey from the Up^r house delivers M^r Speaker The Bill appointing A Comittee for laying the Publick levy in 1716 thus Endorsed (Viz)

By the Up^r House of Assembly
Aug^t 9th 1716

Read the first and second time by Especiall order & will pass.

Signed p order W Bladen Cl: Up^r ho:

Which bill was read the third time and past for Engrossing.

An Engrossed Bill appointing a Comittee for laying the publick leavy in 1716 was read and assented to by the Lower house of Assembly this 9th day of Aug^t 1716 and

Signed to p order Tho: Macnemara Cl: Lo: Ho:

Sent to the Up^r house by Co^l Hynson Cap^t Jowles and M^r Baker.

L^t Co^l Sam^l Young from the Up^r House delivers M^r Speaker The following Message (Viz)

By the Up^r House of Assembly
Aug^t 9th 1716

Wee herewith send you a letter from his Ex^{cy} the Governour to the Up^r & Lower Houses of Assembly on the occasion of an other letter wrote him by M^r Charles Carroll this day and desire you will appoint some of your members to Joyne with some of our house to give an Answer thereto And that you will Assigne the time & place of Conference

Signed p order W Bladen Cl: Up^r Ho:

Together with M^r Carroll's letter to his Ex^{cy} and his Ex^{cy}'s letter thereon to the Up^r & Lower houses which said letters are Entred as follows (Viz)

Aug^t 9th 1716

May it please your Ex^{cy}

The last Ships bound hence for England are Speedily to sail by which the Lord Prop^{ty} will in reason expect remittances

to be made him of his last years revenue (Viz) the 2^d 9^d p L. H. J. hh^d Deducting thereout 1000^l for your Ex^{ty}s Sallary: This I shewed you in my Instructions which (I doubt not) you knew before from M^r Bordley I therefore desire you will please to give orders to the Severall officers In whose hands that revenue is placed to account with and pay me the same to his Lordships use, for a very small delay in this matter will be of great prejudice to his Lordship because thereby he will fail of it this year which I hope your Ex^{ty} will think fitt to prevent

I most humbly recomend to your Ex^{ty} that Caution be used in assenting to some Laws which I understand are prepared and whereby his Lordships Interest will evidently Suffer p. 227 detriment without a Salvo at least of their not takeing Effect till his Lordships pleasure be known That his Lordship may have time (if he shall think it proper) to square his proceedings to the tenour of such Laws. I am

Y^r Ex^{ty}s very humble Serv^t

Cha: Carroll

Which was thus Endorsed (Viz)

Gen^t of the Up^r & Low^r houses of Assembly,

I Just now received the Inclosed Insnareing and Insolent letter and Considering the circumstance of my health it is very Inhumane in M^r Carroll.

As to what that Gen^t speaks of my Sallary I know not what he means, the word Sallary being a Terme too mean and base to accept from a Subject by a person who has had the honour to serve the Crown in so many Employments. In the next place the 1000^l he mentions was putt into his Instructions by Carroll's own procurement as a Gen^t of the Lower House can Amply declare, and thô it be in his Instructions I have the law on my side, and if I had not I disdain as a protestant Governour to goe to a Virulent Papist to know when my family may have leave to Eat Upon the whole I cann^t see what this Insolent man would be at Excep^t the 3^d p hh^d for Arms, which I have before told my Resolution on and yet he now positively and Impudently demands it to be payed to him.

Pray Gen^t give him your Opinion

Jo Hart.

In answer to which the following Message was prepared & ordered to be Entred as follows (Viz)

By the Lower House of Assembly

Aug^t 9th 1716

May it please your Hon^{rs}

Your message of this day together with his Ex^{ty}s letter to both Houses, on M^r Carroll's letter to him has been read and

L. H. J. this house has appointed M^r Tyler Co^l Mackall, M^r Bordley, M^r Rousby, M^r Stoddart & Co^l Hoskins to Joyne some of your Hon^{rs} in a Conference on that Subject and are ready to attend at M^r John Dodds Immediatly.

Signed p order Tho Macnemara Cl: Lo: Ho:

Sent to the Up^r House by M^r Tyler Co^l Mackall M^r Bordley and Co^l Hoskins

The House adjourns till 8 a Clock to morrow morning

Then the house being called over the Members were present as Yesterday.

The proceedings of the House on Yesterday were read.

M^r Tyler from the Conference appointed Yesterday about his Ex^{cy}s letter on the back of M^r Carrolls, acquaints M^r Speaker that the said Comittee has made some progress in that matter and that the proceedings of the said Com^{ee} shall be ready to be laid before this house in a small time.

M^r Bordley from the Comittee of Laws delivers M^r Speaker a draught of a letter prepared for the Hon^{ble} Co^l Nathaniel Blackiston the Agent of this Province.

The House adjournes till 1 a Clock in the afternoon.

The house being Called over the members were present as p. 228 in the morning.

M^r Tyler from the Conference appointed Yesterday about the Governour and M^r Carroll's letter delivers M^r Speaker the following (Viz)

Maryland ss.

A Conference appointed by the Up^r and Lower houses of this present Generall Assembly on Thursday the ninth of August 1716 Are

The Hon^{ble} { Col William Coursey
Col Thomas Addison
Philemon Lloyd Esq^r } of the Up^r house

and

{ M^r Robert Tyler
Co^l John Mackall
M^r Thomas Bordley
M^r John Rousby
M^r James Stoddert
Co^l Philip Hoskins } of the Lower house.

Who make Choice of Co^l W^m Coursey to be their chairman & Jn^o Beale their Clerk.

Whereupon M^r Chairman produces to the Conferrees the L. H. J. following letter (Viz)

Aug^r 9th 1716

May it please y^r Ex^{cy}

The last Shipp^s bound hence for England are Speedily to Saile by which the Lord Prop^r will in reason expect remittances to be made him of this last years revenue (Viz) the 2^d 9^d p^{er} hh^d deducting thereout 1000^{li} for your Ex^{cy}'s Salary. This I shewed you in my Instructions which (I doubt not) you knew before from M^r Bordley: I desire therefore you will please to give orders to the severall officers in whose hands that Revenue is placed to account with and pay me the same to his Lordships use for a very small delay in this matter will be of great prejudice to his Lordship because thereby he will fail of it this year which I hope your Ex^{cy} will think fitt to prevent.

I most humbly Recommend to your Exncy that Caution be used in assenting to some laws which I understand are prepared and whereby his Lordship's Interest will evidently suffer detriment without a Salvo at least of their not takeing Effect till his Lordships pleasure be Known, that his Lordship may have time (if he shall think it proper) to square his proceedings to the tenour of such laws

I am y^r Ex^{cy}'s humb Ser^t

Cha: Carroll

Which being by his Ex^{cy} the Governour Recommended to both houses of Assembly for their opinion thereon, It is humbly the opinion of those Conferrees first that his Lordship haveing signified to this Generall Assembly His acceptance of the 18^d p^{er} hh^d on Consideration of his Lordships takeing his Quitt Rents in To^{bo} at 2^d p^{er} £ which is now passing into a Law the said M^r Carroll or others legally Qualified by his Lordship to receive the same may be payd it by the Officers in whose hands It is lodged which paym^t will be Confirmed by that law when passed.

But as to the 15^d p^{er} hh^d residue of the said 2^d and nine pence, It appears to those Conferrees that that sume was ^{p. 229} raised to his Majesty for the support of the Government of this Province and by her late Majesty as well as his present Majestyes Instructions three pence p^{er} hh^d of that Sume has alwayes been applyed to the purchaseing Arms and amunition &c: and the rest for the Support of the Governour for the time being actually resideing here & on Consideration of such application the legislature of this Province has always been the more ready to raise that sume alwayes intending it should

L. H. J. be so applyed, and therefore wee hope his Lordship never intended Contrary to the end of it's being raised and to the Instructions from the Crown to receive any part of that money himself It seeming probable if he had so designed he would have Employed some other person than M^r Carroll to receive it unless M^r Carroll had promised his Lordship to take the oaths to the Governm^t which that money was raised to Support without which by the Laws of this Province in force for many years past he could not be Qualified for such Service, And therefore it is the opinion of these conferrees that the publick wellfare of this Pro^{ce} is so farr Interested & concerned in the due applicān of that Impost for the Hon^r and better Governm^t of the people as the defence of the Province that no part thereof ought to be given up Especially unto the hands of M^r Carroll or any other Disaffected to his Ma^{ty} Governm^t or the Protestant interest

M^r Carrolls Recomending to his Ex^{cy} that Caution should be used in assenting to some Laws seems to these Conferrees an unintelligible Direction designed on purpose by him only to disturb his Ex^{cy} in that weak Condition of health he is in or for some other secret Ends which M^r Carroll ought to Explain.

He saith Caution is to be used in Assenting to some Laws but says not which and seems to take it for granted caution is not used in any.

M^r Carroll seems not very kind to his Lordship in being privy to a proceeding that may be to his Lordship's Detriment without Detecting it, that it might be now prevented by the Legislature.

Wee must believe if M^r Carrolls Caution was a friendly one he would have rendered it more effectual by Explaining it but as it is It rather seems to be a generall threat from passing any laws or if any should be past yet they should not take Effect. It is humbly the opinion of these Conferrees that M^r Carroll has used a very undecent freedome with his Ex^{cy} in assumeing to himself the liberty of Directing him in so Generall a manner a ffreedome wee have never heard used before by any Subject to a Gov^r and it's humbly the oppinion of these Conferrees that M^r Carroll is guilty therein of great arrogance unless he has some Superior authority which (if he has) ought to be made publick

Signed p order John Beale Cl Conferr

Which being read the house Approves thereof & concurs therewith and ordered the following Endorsment to be made thereon (Viz)

By the Lower house of Assembly
Aug^t 10th 1716

L. H. J.

May it please y^r Hon^{rs}

The within Report being read this house approves thereof
and prays y^r Hon^{rs} concurrence.

Signed p order Thos. Macnemara Cl: Lo: Ho:

Sent To the Up^r House by M^r Tyler M^r Stoddart & Co^l p. 230
Hoskins.

They return and say they delivered it.

Co^l Addison from the Up^r House delivers M^r Speaker the
foll: Message (Viz)

By the Up^r house of Assembly
Aug^t 10th 1716

Gent.

This house doe not only approve of the report from the
Conference had upon M^r Carroll's letter to his Ex^{ty} Yester-
day and concurr with your house therein but Recommend it
to you that the said M^r Carroll be sent for before your house
and that you will shew your Just resentm^{ts} by reprimanding
him after such manner as you shall see fitt.

Signed p order W Bladen Cl: Up^r Ho:

Col Coursey from the Up^r house delivers M^r Speaker the
Journall of the Comittee of Accounts thus Endorsed (Viz)

Aug^t 10th 1716

Read and assented to by the Up^r house of Assembly and
Signed p order W Bladen Cl: Up^r Ho:

And acquaints M^r Speaker that the Up^r house has agreed
and assented to the Engrossed Bill empowering a Comittee
to lay the publick leavy in 1716

Co^l Addison, Philemon Lloyd Esq^r & L^t Co^l Rich^d Tilghman
from the Up^r house deliver M^r Speaker the following Mes-
sage (Viz)

By the Up^r house of Assembly
Aug^t 10th 1716

Gent

Wee inform you that notwithstanding the Act of Assembly
for limitation of officer's fees not Sufficiently provided for by
that Law, and that the Governour and his Majestys Council
had in pursuance thereof taken care to settle the Antient fee

L. H. J. of 480^{li} Tob^o to the keeper of the Great seal for the Affixing the Seal to the Copy of laws made Each Sessions and sent to the County courts, omitted in that law, yet the Justices of the Severall County courts have Refused to make allowance thereof which wee desire may be provided for by an ordinance this Session, and also that care be now taken to make Sufficient allowance to the keeper of the great Seale for Transcribing the Laws this Session.

Signed p order W Bladen Cl: Up^r Ho:

Upon reading of which and the same receiveing the full Consideration and debate of this House—

The Question was putt whether the 480^{li} of To^{bo} be allowed to the Keeper of the great Seal for the Affixing that Seal to a Body of all the Laws made at any one Session.

Resolved in the Affirmative

Ordered that the Keeper of the great Seal be allowed for the Transcribing of the Body of all the Laws made this Sessions for each County within this Province (That is to say) for each Body of Law made the sume of one thousand pounds of Tob^o

In answer to which last mentioned Message from the Up^r House the following Message was prepared and ordered to be Entred thus (Viz)

By the Lower House of Assembly
Aug^t the 10th 1716

May it please y^r Hon^{rs}

In Compliance with your Message of this day by the Hon^{ble} Co^t Addison and two others of the Up^r House this House has made an Ordinance for the paym^t of 480^{li} Tob^o to the keeper of the Great Seall for affixing it to a Body of all laws made at any one Sessions and that the said keeper be allowed 1000^{li} Tob^o by the severall Countys of this Province for Transcribing and sending them a Copy of all the laws made this Sessions and a 1000^{li} Tob^o for a Body for the Provinciall court by the Publick.

Signed p order Tho. Macnemara Cl. Lo: Ho:

Sent To the Up^r house by M^r Bordley M^r Tasker & M^r Lloyd who are desired to acquaint his Ex^{cy} that nothing remains unfinished before this House of the publick business.

They return and say they delivered the Message & acquainted his Ex^{cy} as aforesaid.

Co^l Holland & Co^l Coursey from the Up^r House acquaint L. H. J. M^r Speaker that his Ex^{ty} commands him and the Whole house to attend him Immediately in the Councill chamber and then withdrew.

The speaker with the house went to the Upper house to attend his Ex^{ty} where his Ex^{ty} was pleased to Enact the Severall Engrossed Bills following into Laws by Sealing them with the right Hon^{ble} the Lord Prop^{ty} great Seal of this Province and Endorseing them Severally in the manner following (Viz)

Aug^t the tenth 1716 On behalf of the R^t Hon^{ble} the Lord Prop^{ty} I will this Be a law.

N^o 1 An Engrossed Bill for Transferring the payment of the fines & forfeitures &c: hereafter to my Lord Baltemore.

2 An Engrossed Bill directing the manner of Electing & sumoning delegates &c.

3 An Engrossed Bill Empowering the Surviveing Ex^t of Robert Smith Esq^r Decēd to sell lands &c:

4. An Engrossed Bill for the Relief of Peter Sawell.

5. An Engrossed Bill for an Additional duty of 4^h p poll on Negroes & Irish servants

6. An Engrossed Bill for Confirming a Sale of land made by Anthony Ivy and Anne his wife to Thomas and John Davies.

7. An Engrossed Bill for Settling the Governm^t in case of the death or absence of the present Governour.

8. An Engrossed Bill to continue process on Change of Goveram^t &c:

9. A Supplementary Engrossed Bill to the Bill for killing Wolves Crows & Squirrells &c.

10. An Engrossed Bill for confirming and makeing Valid in law a Conveyance of land made by Anthony Ivy & Anne his wife lately deced to Rich^d More & Edith his wife of Queen Anns County.

11. An Engrossed Bill ascertaining the Gauge & Tare of To^{bo} Hoggsheads and to p^{ve}nt Cropping and defacing the same &c:

12. An Engrossed Bill Confirming a Conveyance of land made by Joseph Bridger decēd to Thomas Jones decēd

13. An Engrossed Bill confirming a Conveyance of land made by Anthony Ivy and Anne his wife to Jn^o Alla.

14. An Engrossed Bill confirming 3 tracts of land in Annarundell County to Susannah Johnson and her heirs &c:

15. An Engrossed Bill repealing an Act ag^t Strikeing of ffish.

L. H. J. 16 An Engrossed Bill permitting the Inhabitants of this province to sue out writs when Plaintiffs and appear & give Judgm^t when defts in the Severall Courts thereof in their own proper persons.

p. 232 17. An Engrossed Bill to restrain the Ill practices used by Sherriffs in takeing goods by fieri fac. and Selling them by Venditioni Exponas.

18. An Engrossed bill for repaireing the damages already Sustained in the Record of the land Secretarys Commissarys and County court offices & for the security of the same Records for the future.

19. An Engrossed Bill for the Better security of the peace and Safety of his Lordships Government and the Protestant interest within this Province.

20. An Engrossed Bill for confirming his Lordships acceptance of the 18^d p^h formerly raised

21 An Engrossed Bill Empowering a Comittee to lay the publick leavy for the year 1716

After which his Ex^{cy} the Governour was pleased to declare that with the advice of the R^t Hon^{ble} the Lord Prop^{rs} Council of State of this Province he thought fitt to prorogue this Present Generall Assembly till the tenth day of October next to which time the same was accordingly prorogued

Afterwards M^r Speaker with the rest of the Members of the Lower house returned to their own house and then M^r Speaker Resumed the Chair and Reported to the House that his Ex^{cy} the Governour with the advice of the R^t Hon^{ble} the Lord Prop^{rs} Council of State in this Province had prorogued this Present Generall Assembly to the tenth day of October next to which time the House accordingly prorogues itself. So endeth this first Session of Assembly held for this Province after the King was graciously pleased to restore the Right Hon^{ble} the Prop^r to the Government of this Province this tenth day of August 1716

Test Tho Macnemara Cl. Lo: ho: of Assembly

ACTS.

John Hart, Esq^r; Governor

Chap. I

An Act for repairing the Damages already sustained in the Bacon.
Records of the Land, Secretary's, Commissary's and County
Court Offices; and for the Security of the Same Records for
the future.

Whereas upon a View and Enquiry into the Records of the Land, Secretary's Commissary's and County Court Offices of this Province, it appears, that sundry Matters which have been Recorded therein, are entirely lost, to the great Prejudice of those concerned; and a great Part of such as remain, are so very much worn and damnified, that without a Speedy Care is taken for their Amendment, it is like to prove of very ill and dangerous Consequences to the Inhabitants of this Province in general, the most valuable Part of their Estates Entirely depending thereon,

And forasmuch as the bad Circumstances of the Records of the Land, Secretary's, and Commissary's Offices, are owing, as well to the Damages they sustained by transporting them from St. Mary's to this City, as to the Negligence of the several Officers and Clerks that have hitherto been entrusted therewith, and the Want of good and sufficient Books at first, they not being under any Obligation or Penalty to find such Books, or to keep them in due Repair, notwithstanding they have received the full Profits and Benefits of the several Offices they were entrusted with : For Remedy whereof for the future, and that the Records of the several Offices as aforesaid, that stand in need of any Amendments and Reparations, may be speedily and sufficiently amended and repaired, in the best Manner that is possible, at the Charge of the Public, and respective Counties; and that after such Reparations as aforesaid, the several Officers and Clerks that shall from Time to Time be entrusted with any the several Records aforesaid, and shall reap the Profits and Benefits of such their Offices, be obliged to find good and sufficient Books for the future, and look after and maintain the Record-Books committed to their Care, in such Order and Reparation, from Time to Time, as they shall receive them.

Bacon. II. Be it Enacted, by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That Lieutenant-Colonel Samuel Young, M^r Joseph Hill, M^r Benjamin Tasker, and M^r John Beale, or any Two or Three of them, be, are hereby authorized, empowered and appointed Commissioners to inspect into the several Decays and Defects of all the Records of the Land, Secretary, and Commissary's Offices, and to judge of the necessary Amendments and Reparations thereof, and to employ such Clerks, Book-binders, or other Persons, as appear needful to them, for the compleating and perfecting the Amendments and Reparations they shall adjudge necessary; and to contract and agree on the Behalf of the Public, with all such Persons by them employed in that Service, on the best and easiest Terms they can, for such Sum or Sums of Tobacco as they shall adjudge the Several Persons for their several Services may deserve, which Sums of Tobacco agreed on as aforesaid, shall be paid by the Public to the several Persons to whom the same become due.

III. And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That after the Expiration of Three Months, which shall first happen after the Reparations and Amendment of the Records aforementioned are made, according to the Design of this Act, and the true Intent and Meaning of such Agreement as shall be made by the Commissioners hereby authorized and required to make the same, it shall not be lawful for the Secretary, Commissary, their Deputies, Officers, or Under-Clerks, who shall have the keeping of the Land, Secretary's or Commissary's Records committed to them, to take upon themselves the keeping of any of the said Records, or to receive and apply to their Use any of the Fees, Profits or Benefits arising from their several Offices, until such Secretary, or his Deputies, or Commissary-General, have entered into Bond, with two good and sufficient Securities, in the Name of the Lord Proprietary, before two of the Justices of the Provincial Court (That is to say) The Secretary or his Deputies for the Land, Chancery and Provincial Records, in the Sum of One Thousand Pounds Current Money; and the Commissary for the Records in the Commissary's Office, in the Sum of One Thousand Pounds Current Money; all which Bonds shall be conditioned as follows, viz.

"The Condition of this above-written Obligation is such, "That if the above Bound whilst he shall continue in the "Office of shall at his own proper Cost and Charge, "find a Supply of good and sufficient Record-Books, necessary "for the entering up of all Matters and Things relating to

"such Office, and shall duly and carefully look after, ^{Bacon.}
 "preserve and maintain all the several Books of Records now
 "being and remaining in the said Office, as also those that
 "from Time to Time shall be added thereto, in Manner, as that
 "when shall be dismissed from officiating longer in the
 "said Office, he shall deliver all the aforesaid Records to the next
 "Person that Succeeds in the said Office, in good Order and
 "Repair, according to the true Intent and Meaning of the Act
 "of Assembly, in that Case made and provided: That then the
 "above-written Obligation is to be void and of no Effect,
 "otherwise to remain in full Force and Virtue in Law."

The which Bond being so entered into, and taken by Two Justices of the Provincial Court as aforesaid, they shall immediately call before them, the Witnesses to said Bond or Bonds, and cause a Probate thereof to be made before them, which they shall endorse, or cause to be endorsed on the Back of the said Bond or Bonds, with Order immediately to enter the said Bond with the Endorsement, in the Provincial Land Records, which shall be immediately performed by the proper Clerk; and after such Entry upon Record, the original Bond is to be immediately lodged with the Clerk of the Council, in the Council Office, who is hereby required to take Charge of the same; and that an attested Copy of the said Bond, from the said Provincial Records, shall be as good Evidence in Law, to maintain any Action of Debt to be brought for the Breach of the Condition thereof, to all Intents and Purposes, as if the original Bond were actually produced in such Case.

IV. Provided, That although such Officers have entered into Bonds, with Sureties as aforesaid, the entering into such Bonds shall not be deemed a Compliance with the Directions of this Act, at any Time after the Sufficiency of such Sureties shall be disapproved of by the Justices of the Provincial Court, in Court sitting; but that in case of such Disapprobation, the Officer or Officers aforesaid, shall be obliged to enter into new Bond, in Form aforesaid, with such Sureties as the said Provincial Court shall approve of.

V. And be it further Enacted, by the Authority, Advice and Consent aforesaid, That it shall and may be lawful for any Person whatsoever, to put such Bond or Bonds in Suit, for any particular Breach thereof, to their respective Damage, without any formal Assignment of such Bond; and in case of Recovery, shall have the Damages to be assessed by a Jury awarded them, by the Court before whom such Recovery shall be had, out of the Penalty of such Bond: But in case of a Non-Suit, shall Satisfy the Defendant his full Cost of Suit,

Bacon. to be adjudged him against such Prosecutor, whose Name shall always be endorsed on the Back of the first Process that shall be served on such Defendant, and be in such Endorsement termed the Prosecutor.

And in case the Lower House of Assembly, or the Justices of the Provincial Court, shall at any Time find Cause to put in Suit the Bond or Bonds taken for Security of the Records aforesaid, the Order or Direction of the said Lower House of Assembly, or of the Justices of the Provincial Court aforesaid, shall be sufficient to oblige the Attorney-General, for the Time being, to sue such Bond, in his Lordship's Name, for the securing the Public from all Charges and Expences that shall be necessary for the putting or preserving the aforementioned Records in Repair, according to the True Intent and Meaning of this Act.

VI. And be it further Enacted, by the Authority, Advice and Consent aforesaid, That the Commissioners for the Time being, of the several County Courts within this Province, are hereby authorized and impowered to inspect their respective Record-Books, and to judge what Reparations they shall think needful; which Reparations and Amendments, if any they shall adjudge necessary, they shall with all convenient Speed cause to be made; and agree with such Person or Persons as they think most capable to perform the same, upon the best and easiest Terms they can (on Behalf of their respective Counties) in Tobacco; which Tobacco the Persons employed performing and finishing the reparations and Amendments aforesaid, shall be allowed in their several and respective County Levies. And after such Reparations made, where wanted, or after Inspection as aforesaid, where no Reparation is thought necessary, it shall not thence forward be lawful for the Clerks of the several and respective County Courts to receive or apply to their Use any of the Fees and Profits arising from their Office, until they have entered into Bond before the County Court, with Two sufficient Sureties, to be taken in his Lordship's Name, in the Sum of Two Hundred Pounds Current Money, with Condition, as above in this Law is already expressed; which Bond shall be immediately proved in such Manner as above expressed, before the said Court, or any Two Justices thereof, who shall cause the same immediately to be entered by the Clerk in the County Records for Conveyances of Land, and the original Bond shall be lodged in the Council Office as aforesaid, and that a true attested Copy of said Bond shall be good Evidence in Law, in all such Cases as in this Law is already above expressed; the same Bond to be put in suit as abovesaid, with Damages and Costs, to be

recovered on any such Breach as abovesaid, in case of Recovery; and in case of Non-suit, the Costs to be adjudged against the Prosecutor as aforesaid, and the Prosecutor's Name to be endorsed on the Back of the first Process as aforesaid. And also such Bond to be put in Suit by the Order of such County Court, often as it shall be found necessary for the Indemnity of the County. Bacon.

VII. Provided, That neither the Public, nor any County, shall be burthened with any Costs of Non-suit, where they shall happen to be Prosecutors.

Examined and Compared with the Original Act.

Reverdy Ghiselin
Thomas Bacon

An Act for transferring the Payment of all such Fines and Forfeitures, as shall hereafter arise or happen upon the Breach of any the Penal Laws of this Province, to the Right Honourable the Lord Proprietor.

Whereas his most gracious Majesty King George, has been pleased to restore to the Right Honourable the Lord Proprietor of this Province, the Government thereof, whereby all the Fines, Penalties and Forfeitures that shall hereafter happen, and are by the several Acts of Assembly of this Province now in Force, made payable to our Sovereign Lord the King, his Heirs or Successors, ought to be made payable to the Right Honourable the Lord Proprietor of this Province, And whereas the said Laws have all lately been Re-enacted and Revised with great Care, and at the vast Expence of this Province, and are found to be beneficial, and much conducing to the Peace and Welfare thereof; to the End that all unnecessary Charges may be avoided, it is humbly prayed that it may be Enacted,

II. And be it Enacted, by his Lordship the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That where by any the Laws of this Province, any Fines, Penalties or Forfeitures are made payable to, or recoverable by the King's Majesty, or in his Name, to any the Uses in the same Laws expressed, all such Fines, Forfeitures, or Penalties, shall henceforward be payable to the Right Honourable the Lord Proprietary of this Province, his Heirs and Successors, and be recoverable by him or them, or in his or their Name, to the same Uses as by those Laws are express'd; any Law, Statute, Usage or Custom to the contrary notwithstanding.

Bacon. III. Provided nevertheless, That it be always construed, understood and adjudged, that where any of the said Fines are directed by those Laws to be appropriated or applied towards the Support of Government, his Lordship's the Right Honourable the Lord Proprietary his Government of this Province, be thereby understood and none other.

IV. And be it further Enacted, by the Authority, Advice and Consent aforesaid, That all manner of Suits, Indictments, Informations, or other Prosecutions that shall hereafter be made for any such Fines, Forfeitures or Penalties as aforesaid, wherein his Majesty's Name or Title ought to have been used, as a Party in such Prosecution, it shall be lawful instead thereof, to use the Name or Title of the Right Honourable the Lord Proprietor of this Province, or the Name or Title of his Lordship's Heirs or Successors, as fully and amply to all Intents, Constructions and Purposes whatsoever, as if such Name or Title of his said Lordship, or of his Heirs or Successors had been expressly mentioned in such Acts, instead of the Name or Title of our Sovereign Lord the King, his Heirs or Successors; any Thing therein, or in any other Law to the contrary notwithstanding.

V. And be it further Enacted, by the Authority, Advice and Consent aforesaid, That for any Suits, Indictments, or other Prosecutions, in the Name of his Lordship, or of his Heirs or Successors, where, according to the present Form of those Laws, such Suits, Indictments or other Prosecutions ought to have been made or prosecuted in the Name of his present Majesty, his Heirs or Successors, such Alteration or Difference of Name, Stile or Title in such Suits, Indictments or other Prosecutions, from what is express'd in the said Laws, shall be no ways assigned or assignable for Error therein, or be any ways allowed or allowable as any Fault, Defect or Cause of Exception thereto, but that all such Exceptions or pretended Faults, or Causes of Error, shall be and are hereby aided; any Law, Statute, Usage or Custom to the contrary notwithstanding.

Examined and Compared with the Original Act.

Reverdy Ghiselin,
Thomas Bacon.

An Act for the better Security of the Peace and Safety of his Lordship's Government, and the Protestant Interest within this Province.

Whereas it appears to have been the just Sense of the Legislature of Great-Britain, for some Years past, that the Safety of his Majesty's Royal Person and Government, the

Continuance of the Monarchy of Great-Britain, the Preservation of the Protestant Religion, the Maintainance of the Church, the Security of the ancient and undoubted Rights and Liberties, and the future Peace and Tranquility of the Kingdom, do, (under God,) entirely depend upon the good and wholesome Laws heretofore made for the Limitation and Succession of the Crown in the Protestant Line, and the securing the Rights and Liberties of the Subject, And Offices in that Government, which they would not oblige themselves to defend, by taking the Several Oaths therein directed, has been thought an effectual Step towards the obtaining the aforesaid happy Ends: Bacon.

II. And whereas this present General Assembly think themselves indispensably obliged to do their Part in securing to his Lordship, (the Right Honourable the Lord Proprietary) and the good People of this Province, their Share in these inestimable Benefits, which are so vastly advantageous to Great-Britain, and consequently agreeable to all the Dominions thereto belonging, but especially to us who are under the immediate Government of a Protestant Lord Proprietor, And that nothing can be more effectual to secure to his Lordship the quiet and peaceable Enjoyment of his Government, and Property secured, which has of late been daringly threatened by Persons disaffected to the Protestant Succession, who have openly in Treasonable Manner taken upon them to give the pretended Prince of Wales, the Title of King of Great Britain, and drunk his Health as such, And that no better Expedient can be found to obviate the wicked Designs and Expectations of such disaffected Persons to our present happy Establishment, than to act (as near as may be,) to the great Pattern which the British Legislature has set before us: In pursuance whereof, the Legislature of this Province, when under the more immediate Government of the Crown, (to wit) in the Year One Thousand Seven Hundred and Four, thought fit, by an Act then made to oblige all Persons who then had, or thereafter should have any Office or Place of Trust within this Province, to take the Oath, commonly called the Oath of Abjuration; and for that the several Oaths directed to be taken by the Act made in the First Year of his present Majesty's Reign, for the Security of his Majesty's Person and Government, and the Succession of the Crown, &c. are by this present General Assembly thought equally necessary,

III. Be it Enacted, by the Right Honourable the Lord Proprietary, by and with Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That the following Oaths shall be administered to, and taken by, all Persons that already

Bacon. have, or hereafter shall be admitted to have or enjoy, any Office or Place of Trust within this Province, in Manner following,

"I A. B. do sincerely promise and swear, That I will be "faithful, and bear true Allegiance to his Majesty King "George. So help me God."

"I A. B. do swear, That I do from my Heart abhor, detest "and abjure, as impious and heretical, that Damnable Doctrine "and Position, That Princes excommunicated or deprived by "the Pope, or any Authority of the See of Rome, may be "deposed or murdered by their Subjects, or any other whatso- "ever. And I do declare, That no foreign Prince, Person, "Prelate, State, or Potentate, hath, or ought to have, any Jur- "isdiction, Power, Superiority, Pre-eminence, or Authority, "Ecclesiastical or Spiritual, within the Kingdom of Great- "Britain, or any the Dominions thereto belonging. So help "me God."

"I A. B. do truly and sincerely acknowledge, profess, "testify and declare in my Conscience, before God and the "World, That our Sovereign Lord King George, is lawful and "rightfully King of the Realm of Great-Britain, and all other "the Dominions and Countries thereunto belonging. And I "do solemnly and sincerely declare, That I do believe in my "Conscience, that the Person pretended to be Prince of Wales, "during the Life of the late King James, and since his Decease, "pretending to be, and taking upon himself the Stile and "Title of King of England, by the Name of James the Third, "or of Scotland by the Name of James the Eighth, or the Stile "and Title of King of Great-Britain, hath not any Right or "Title whatsoever to the Crown of the Realm of Great-Britain, "or any other the Dominions thereto belonging. And I do "renounce, refuse and abjure any Allegiance or Obedience to "him. And I do swear, That I will bear Faith and true "Allegiance to his Majesty King George, and him will defend "to the utmost of my Power, against all traitorous Conspiracies "and Attempts whatsoever, which shall be made against his "Person, Crown or Dignity; and I will do my utmost Endea- "vour to disclose and make known to his Majesty, and his "Successors, all Treasons and traitorous Conspiracies which "I shall know to be against him, or any of them. And I do "faithfully promise, to the utmost of my Power, to support, "maintain and defend, the Succession of the Crown against "him the said James, and all other Persons whatsoever; which "Succession, by an Act, entitled An Act for the further "Limitation of the Crown, and better securing the Rights and "Liberties of the Subject, is and stands limited to the Princess

"Sophia, Electress and Dutchess Dowager of Hanover, and ^{Bacon.}
 "the Heirs of her Body, being Protestants. And all these
 "Things I do plainly and sincerely acknowledge and swear,
 "according to these express Words by me spoken, and accord-
 "ing to the plain and common Sense and Understanding of the
 "same Words, without any Equivocation, mental Evasion, or
 "Secret Reservation whatsoever. And I do make this Recog-
 "nition, Acknowledgment, Abjuration, Renunciation, and
 "Promise, heartily, willingly and truly, upon the true Faith of
 "a Christian. So help me God"

And that without the taking the aforementioned Oaths, and
 subscribing the Oath of Abjuration, and making and sub-
 scribing the Declaration following, "I A. B. do Declare, That
 "I do Believe that there is not any Transubstantiation in the
 "Sacrament of the Lord's Supper, or in the Elements of Bread
 "and Wine, at or after the Consecration thereof, by any
 "Person whatsoever," Before some one of the Members of
 his Lordship's Honourable Council within this Province, for the
 Time being, or a Justice of the Provincial or County Courts, or
 before some Court of Record within this Province, (who are
 hereby authorized, empowered and required to administer the
 same, if applied to,) no Person or Persons whatsoever, shall be
 capable of holding, executing or enjoying any Office, Deputa-
 tion or Trust within this Province whatsoever. And in case
 any Person or Persons whatsoever, shall presume to execute or
 enjoy any such Office, Deputation or Trust, contrary to the
 true Intent and Meaning of this present Act, the Commission,
 Deputation or Authority of such Person or Persons, is not
 only hereby declared to be utterly void, ab Initio, but also he
 or they so acting or offending, shall forfeit to his Lordship,
 the Right Honourable the Lord Proprietary of this Province,
 his Heirs and Successors, Two hundred and Fifty Pounds
 Sterling; one Half to be applied to the Use of Free-Schools
 within this Province, the other Half to the Informer, or to him
 or them that shall sue for the same, to be recovered in any
 Court of Record within this Province, by Action of Debt, Bill,
 Plaint or Information, wherein no Essoin, Protection or Wager
 of Law to be allowed.

IV. Provided always, That no Person shall be liable to the
 Penalties of this Act, who shall comply therewith, when
 required by such Court of Record, or other Persons as have
 Power to administer the Oaths aforesaid, or who (if not
 required as aforesaid) shall within Six Months from the End
 of this present General Assembly, voluntarily comply with the
 same.

V. And be it further Enacted, by the Authority aforesaid,
 That the Clerk of any Court of Record, where the Oaths and

Bacon. Declaration aforesaid, shall be administered, taken, made and subscribed as aforesaid, in open Court, is hereby obliged, ex Officio, to keep a fair Transcript in his Office, of the Oath of Abjuration, and of the Declaration aforesaid, to be subscribed by any Person or Persons taking the Oaths aforesaid; and shall make an Entry in his Minutes and Record Books, of the Time when such Person or Persons was Sworn, and did subscribe the Oath and Declaration aforesaid, and what Office or Trust they have, hold or enjoy, within this Province; and any of the Members of his Lordship's Honourable Council within this Province, Justices of the Provincial or County Courts, who shall administer the same Oaths out of Court, are hereby likewise required to keep a fair Transcript of the Oath of Abjuration and Declaration aforesaid, for every Person to subscribe, that takes the Oath aforesaid before them, and further shall certify, under their Hands, to the next County Court holden for the County where such Magistrates inhabit, the Names of all Persons by them sworn, the Time when, and the Office or Place of Trust they have, hold or enjoy; which Certificate the Justices of the respective County Courts shall cause to be entered by the Clerk of such Court, ex Officio, in the County Records.

VI. Provided always, That any Person or Persons that shall apply themselves to any of the Magistrates aforesaid, out of Court, to have the Oaths aforesaid administered to themselves, for any Office or Place of Trust as aforesaid, be obliged to repair to the Dwelling Place or Habitation of such Magistrate, where such Magistrate shall only be obliged to administer the same Oaths, and not elsewhere.

VII. Provided also, That nothing herein contained shall extend, or be construed to extend, to the exempting of such Persons who shall take the Oaths, and make and subscribe the Declaration aforesaid, before one Magistrate as aforesaid, according to the Directions of this Act, from being at any Time afterwards obliged to take the same Oaths, and make and subscribe the Declaration aforesaid, de novo, in any Court of Record within this Province; but that they shall, and are hereby obliged (if required) to take the same Oaths, and make and subscribe the same Declaration in such Court during the Sitting thereof, on Pain of incurring the Penalties aforementioned; which Oaths shall be administered, and a due Record thereof made by the Officers and Ministers of such Court, in Manner aforesaid, without Fee or Reward for the same.

VIII. Provided likewise, That nothing in this Act contained, shall extend, or be construed to extend, in any wise to

alter any Directions given by the Act for Establishment of Religious Worship within this Province, as to the Manner of administering the Oaths thereby required to be taken, or the certifying thereof, so as the same Oaths be taken by the Persons thereby required to take the same, according to the Directions of the aforementioned Act for Establishment of Religious Worship within this Province. Bacon.

IX. And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That in case any Person who holds any Office or Trust within this Province, and has taken the Oaths appointed by this Law, shall afterwards be present at any Popish Assembly, Conventicle or Meeting and join with them in their Service at Mass, or receive the Sacrament in that Communion, he shall not only forfeit his Office, and incur the Penalty in this Act limited, but also be incapable of taking, holding or executing any Commission or Place of Trust within this Province, until he shall be fully reconciled to the Church of England, and receive the Communion therein.

X. Provided nevertheless, That this present Act, or any thing therein contained, shall not extend, or be construed to extend to the Negotiation or Management of the Lord Proprietary, his private Affairs, so as such Negotiation or Management shall not in any wise relate to the Affairs of the Government of this Province, or to any the Judicial or Ministerial Offices thereon depending, or to the Collection of any Dues arising therefrom or to any Office, Matter or Thing thereto relating.

XI. Provided also, That nothing herein contained, shall extend, or be construed to extend to the Exemption of any Person or Persons whatsoever, from the taking the Oaths by this Act directed, who were obliged to take the Oaths appointed, or required by Law, before the making of this Act; any Thing in the Proviso aforementioned to the contrary notwithstanding.

Examined and Compared with the Original Act,

Reverdy Ghiselin
Thomas Bacon.

An Act directing the Manner of Electing and Summoning Delegates and Representatives to serve in succeeding Assemblies; and for ascertaining the Expences of the Councillors, Delegates of Assembly, and Commissioners of the Provincial and County Courts of this Province.

Forasmuch as the chiefest and only Foundation and Support of any Kingdom, State, or Common-wealth, is the providing, establishing and enacting good and wholesome Laws,

Bacon. for the good Rule and Government thereof, and also upon any necessary and emergent Occasion, to raise and levy Money for defraying the Charge of the said Government, and the Defence thereof, neither of which, according to the Constitution of this Province, can be made, ordained, established or raised, but by and with the Consent of the Freemen of this Province, by their several Delegates and Representatives by them freely nominated, chosen and elected to serve for their several Cities and Counties in a General Assembly,

II. And forasmuch as the safest and best Rule for this Province to follow, in electing such Delegates and Representatives, is the Precedents of the Proceedings in Parliaments in Great-Britain, as near as the Constitution of this Province will admit, the Governor, Upper and Lower Houses of this present General Assembly, do humbly pray that it may be Enacted,

III. And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of this present General Assembly, and the Authority of the same, That for the future, when and as often as his Excellency the Governor of this Province, for the Time being, shall, upon any Accident and urgent Affair of this Province, think fit to call and convene an Assembly, and to send out Writs for electing of Burgesses and Delegates to serve in such Assembly, such Writs shall issue forth Forty Days at least, before the Meeting of such Assembly; the Form of which Writs for Election of Delegates and Representatives, shall be as followeth,

"Charles, absolute Lord and Proprietary of the Provinces
 "of Maryland and Avalon, Lord Baron of Baltimore &c. To
 "the Sheriff of County, Greeting. These are to com-
 "mand, authorize and impower you, immediately upon Receipt
 "hereof, to call together Three or more Justices of your
 "County, whereof One to be of the Quorum, with the Clerk
 "of the County Court, who are hereby required to sit as a
 "Court, and during their Sitting, by virtue of your Office, to
 "make, or cause to be made, public Proclamation thereby
 "giving Notice to all the Freemen of your said County, who
 "have within the said County a Free-hold of Fifty Acres of
 "Land, or who shall be Residents, and have a visible Estate
 "of Forty Pounds Sterling at the least, thereby requiring them
 "to appear at your County Court-House, at a certain Time not
 "less than Ten Days after such Proclamation made, for electing
 "and choosing Deputies and Delegates to serve for your said
 "County in a General Assembly, to be holden at the
 " Day of to which Time you shall adjourn your said

"Court; and during the Court's Sitting, the said Freemen so Bacon.
 "required to appear, or the major Part of such of them as shall
 "then appear, shall and may, and are hereby authorized and
 "required to elect and choose Four several and sufficient
 "Freemen of your County, each of them having a Free-hold
 "of Fifty Acres of Land, or who shall be a Resident, and have
 "a visible Estate of Forty Pounds Sterling at the least, within
 "your County, whether the Parties so elected be present or
 "absent, the said Election to be made in such Manner and
 "Form as the Laws of England and this Province do direct
 "and provide.

"And you are to insert the Names of the said Persons
 "elected, in certain Indentures to be then made between you
 "the said Sheriff, and the Electors, (That is to say,) Two In-
 "dentures for each Delegate, each Indenture having thereto
 "your Hand and Seal, and the Hands and Seals of the several
 "Electors by them subscribed, that the said Deputies and
 "Delegates for themselves, and the County aforesaid, may have
 "severally full and sufficient Power to do and consent to those
 "Things, which then and there, by the Favour of God, shall
 "happen to be ordained, by the Advice and Consent of the
 "Great Council of this Province, concerning such Occasions
 "and Affairs as shall relate to the Government, State and
 "Defence thereof. But we will not in any wise that you, or
 "any other Sheriff in our said Province be elected. And upon
 "such Election, you the said Sheriff, so soon as conveniently
 "may be, give Notice to the Parties elected, if absent, and
 "certify and transmit to the Governor, or Keeper of the Great
 "Seal of this Province, for the Time being one of the Two
 "several and respective Indentures, affixed to these Presents,
 "close Sealed up, and directed to the Governor, or Keeper of
 "the Great Seal of this Province, for the Time being, and the
 "other Part of the said Indentures, you are to keep for your
 "Justification. Witness, &c"

IV. And be it further Enacted, by the Authority aforesaid,
 by and with the Advice and Consent aforesaid, That the afore-
 said Four Delegates to be elected in the respective Counties
 within this Province, be and are hereby bound and obliged to
 attend at the Time and Place of the Meeting of such Assembly
 without any further Writ or Summons to be to them sent,
 under the Penalty of such Fines as shall be by the Lower
 House of Assembly imposed on them, unless upon sufficient
 Excuse to be admitted by the Lower House of Assembly,
 their Absence be dispensed with; any Law, Usage or Custom
 to the contrary notwithstanding.

Bacon. V. Provided also, That no Ordinary-Keeper within this Province, during the Time of his Ordinary-keeping, or any other Person disabled by any Laws of England from sitting in Parliament, shall be elected, chosen, or serve as a Deputy or Representative in the said General Assembly, so to be hereafter called, convened and appointed, as aforesaid.

VI. And be it further Enacted, by the Authority aforesaid, That any Sheriff within this Province, who shall not give speedy Notice to the Inhabitants of his County, of the Time and Place where such Election shall be made, as well by Proclamation as aforesaid, and by causing the same to be Read in all Churches, Chapels, and other Public Places within his said County, as also by Notes thereof set up at such Places, thereby the better to inform the Inhabitants of the County, requiring them, under the Penalty of One Hundred Pounds of Tobacco, to appear at such Time and Place appointed for Election, or shall make or cause to be made, any undue or illegal Election or Returns thereof, or neglect to make Returns of the Delegates so to be elected, by Indenture, before the Day of Sitting of such Assembly, pursuant to the Direction of the said Writs, shall for every such Fault be fined at the Discretion of the Lower House of Assembly next Sitting after such Election, not exceeding Two Hundred Pounds Sterling, one Half to the Right Honourable the Lord Proprietary, his Heirs and Successors for the Support of Government, and the other Half to the Informer, or him or them that shall sue for the same; to be recovered in any Court of Record within this Province that may have Jurisdiction of the same, by Action of Debt, Bill, Complaint or Information, wherein no Essoin, Protection, or Wager of Law to be allowed.

VII. And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all Freeholders, Free-men, and other Persons qualified to give Votes in the Election of Delegates, shall and are hereby obliged to be and appear at the Time and Place appointed for Elections, to be hereafter had or made of any Delegates, Burgesses and Citizens, to serve in any Assembly for this Province, under the Penalty of One Hundred Pounds of Tobacco, for every Person so qualified as aforesaid, neglecting to appear; one Half thereof to the Right Honourable the Lord Proprietary, his Heirs and Successors, for and towards the County Charge, and the other Half to the Informer that shall complain to any one or more Justices or Magistrates, of such Absence; which Justice or Justices, or other Magistrates, are hereby empowered to determine such Complaint, and award Execution for the said Penalty; unless such Person or Persons shall at the next

County Court after such Election, shew sufficient Cause for ^{Bacon.} his or their Absence, to be allowed and approved of by the Justices of the several County Courts in this Province.

VIII. Provided nevertheless, That this Act or any Thing therein contained, shall not extend to be construed to exclude any County or Counties, City or Cities, Borough or Boroughs hereafter to be erected and made within this Province, from the Liberty of such Elections of Burgesses, Delegates and Representatives, as is before expressed; but that such Writ as aforesaid, shall upon calling every General Assembly of this Province for the future, be directed to the Sheriff of every such County, City or Borough, when the same shall be erected and made into a County, City or Borough, as aforesaid, and to the Mayor, Recorder and Aldermen, of every such City or Borough, commanding such Sheriff or Mayor, Recorder or Aldermen, to cause Four Freemen of the said County, and Two Free-men of the said City or Borough, qualified as in the aforesaid Writ is expressed, to serve as Delegates and Representatives of the same County, City or Borough, in the General Assembly next ensuing; which said Four Delegates for every such County, and Two for the City or Borough, shall from thenceforth be reputed and deemed to be Members of the Lower House of the General Assembly of this Province; any Thing in this Act in any wise to the contrary notwithstanding.

IX. And for the ascertaining, limiting and allowing unto the several and respective Councillors, Deputies and Delegates, that serve, or shall serve in the General Assemblies of this Province, and the several and respective Commissioners of the Provincial and County Courts of this Province, such Sum and Sums of Tobacco as is hereby thought necessary and sufficient for their defraying their Charges, in attending such Assemblies and Courts,

Be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all such Councillors be allowed the Sum of One Hundred and Fifty Pounds of Tobacco per Day, and the Delegates and Burgesses of Assembly shall be allowed the Sum of One Hundred and Forty Pounds of Tobacco per Day, during the Time they shall attend such Assemblies, and no more, (besides their itinerant Charges,) to be paid and allowed them out of the Public Levy of this Province: And the several and respective Commissioners of the Provincial Court, for the defraying their Charges and Expences, during the Time they shall sit in and attend such Courts, the Sum of One Hundred and Forty Pounds of Tobacco per Day, and no more, besides their itinerant Charges,

Bacon. to be paid them likewise out of the Public Levy of this Province as aforesaid. And the several Commissioners of the County Courts shall be allowed, for the defraying their Expences, during the Time they shall sit and attend such Court as aforesaid, the Sum of Eighty Pounds of Tobacco per Day, and no more, which Sum of Eighty Pounds of Tobacco as aforesaid, the Commissioners of the County Courts are hereby impowered to assess and levy on the Taxable Persons of the several Counties where such Commissioners shall serve as aforesaid, for the defraying the Expences aforesaid, and no more.

Examined and Compared with the Original Act.

Reverdy Ghiselin
Thomas Bacon

An Act to restrain the ill Practices used by Sheriffs in taking Goods by Fieri facias, and selling them by Venditioni exponas.

Whereas many of the good People of this Province have of late been greatly damnified and abused in their Estates by Sheriffs, who upon Receipt of any Fieri facias, or Attachment issued out of the Courts of this Province, take, by virtue of such Writs, great Quantities of Goods, more than will satisfy the Debt, Damages and Costs in such Writs mentioned, and keep them a long Time in their Custody, under Pretence of Want of Buyers, whereupon it often happens upon the Return of the said Sheriffs, that Writs of Venditioni exponas are issued, commanding them to put the said Goods to Sale, which for the most Part hath been done privately, and Goods of great Value have not been sold for the Tenth Part of their Value, to the great Loss of both the Debtor and Creditor, and to the Ruin of some Families; for the Prevention whereof for the future, and to ascertain a Way and Method whereby the Sheriffs of this Province may securely act in Writs of the like Nature, more to the Benefit and Advantage of both Debtor and Creditor;

II. Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That from and after the End of this present Session of Assembly, if any Writ of Fieri facias shall be delivered to any Sheriff of this Province, if the Defendant, where the Judgment is against him for his proper Debt or Cost, will upon Oath shew all his Personal Estate, when thereto required, or where Judgment is rendered against him, as an Executor or Administrator, shew

all the Personal Estate of the Deceased's in his Hands unad- Bacon.
ministered, to the Sheriff or his Deputy, so that such Sheriff
may levy such Part thereof as the Creditor or Plaintiff, or his
Attorney in Fact, or in Law shall direct, such Sheriff shall
within Three Days at furthest, cause such Goods, so taken, to
be appraised by Four substantial Free-holders of his County,
Two of them to be named by the Plaintiff, or his Attorney at
Law or in Fact, and Two by the Defendant, and who are
neither of Kin to Plaintiff or Defendant, Creditor or Debtor,
who upon their Oaths to be administered to them by the said
Sheriff, shall within Three Days, indifferently and justly Value
and Appraise the said Goods and Chattels, so taken in Execu-
tion; and the Sheriff shall thereupon give Notice to the
Creditor, or his Attorney at Law or in Fact, of the Value of
the said Goods, and shall deliver so much of the said Goods,
as according to such Appraisement, will amount unto the Debt
or Damage, and Cost in such Execution mentioned, to the
Plaintiff, or his Attorney at Law or in Fact, in Discharge of
such Debt and Cost; and the said Plaintiff or Creditor is
hereby obliged to take and accept the same at such Appraise-
ment and Value as aforesaid, in Satisfaction of so much of his
Debt, Damage or Cost, as such Goods according to Appraise-
ment, will amount unto. And if any Creditor or Plaintiff, or
his Attorney in Fact, or Law, shall refuse or deny to take and
accept the same, according to such Appraisement, such Sheriff
is hereby authorized and empowered to retain in his Hands, at
such Plaintiff's or Creditor's proper Risque, so much of the
said Goods as will satisfy the same Debt or Damage, with
Costs, for such Plaintiff's or Creditor's Use, who shall pay to
such Sheriff all Costs and Charges he shall be at in keeping
and securing such Goods and Chattels; and the said Plaintiff
or Creditor shall have no other Action against such Sheriff
than only for such Goods and Chattels, so taken and retained
as aforesaid, and such Sheriff shall give a full and sufficient
Discharge to such Debtor for so much of the Debt and Cost,
as such Goods, by such Appraisement, shall amount unto;
which shall be a sufficient Bar against such Plaintiff or Creditor,
and perpetually bar and hinder him from taking out any other
Execution against the Body, Goods or Chattels, Lands or
Tenements of such Debtor, whose Goods and Chattels as
aforesaid, have been taken in Execution as aforesaid, for so
much as such Goods, by Appraisement, shall amount unto;
any Law, Statute, Usage or Custom to the contrary notwith-
standing.

III. Provided always, That in case the Plaintiff or De-
fendant are Non-Residents within the respective Counties
wherein such Writs shall be executed as aforesaid, or have

Bacon. not left an Attorney at Law, or in Fact, who is a Resident within the County, so that the Sheriff cannot conveniently give him or them Notice within Three Days after the serving such Writs according to the Exigence of this Act, and who shall not be present at such Time and Place of Appraisement, or who, on Notice given, shall not think fit to be present at such Time and Place, it shall and may be lawful for the Sheriff to choose Two sufficient Free-holders, qualified as aforesaid, on Part and Behalf of such absent Party, to the Ends aforesaid. And in case that both Plaintiff and Defendant are likewise Non-Residents in such County, and cannot conveniently have Notice as aforesaid, nor shall be present thereat, that then such Sheriff shall be, and is hereby impowered, on Behalf of both Parties, to choose Four Appraisers qualified as aforesaid to make such Appraisement as aforesaid.

IV. Provided also, That nothing in this Act contained, shall extend, or be construed to extend, to impower any Sheriff to levy by virtue of any Fieri Facias, for any Debt or Damage recovered against any Executor or Administrator, any Negro or other Slave, Plate or Jewels reserved in Favour of Orphans, by the Act for better Administration of Justice in Probate of Wills and granting Administrations, &c. but that the Sheriffs shall be, and are hereby obliged to follow the Directions of that Act, touching such Negroes and Slaves, Plate and Jewels; any thing in this Act to the contrary notwithstanding.

Examined and Compared with the Original Act,

Reverdy Ghiselin
Thomas Bacon.

An Act permitting the Inhabitants of this Province, to sue out Writs when Plaintiffs, and appear and give Judgment when Defendants, in the several Courts thereof in their own proper Persons.

Forasmuch as it has been represented to this General Assembly, as a great Aggrievance, that the several Inhabitants of this Province are not permitted to sue out Writs when Plaintiffs, or to appear and confess Judgment, when Defendants, in the several Courts thereof; but are in some Courts obliged to employ Attorneys to do it for them, which creates an unnecessary Charge;

II. Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall and

may be lawful for any Person or Persons whatsoever, within this Province, to order out Process in their own proper Names, without any Titling from an Attorney for the same, and the several and respective Clerks of the several Offices of the Provincial and County Courts of this Province, are hereby obliged upon Application to them made by any Person or Persons as aforesaid, to issue such Writs as shall be by them demanded, the Party or Parties suing out the same, if Non-Residents within this Province, securing to the Secretary, or the Clerks of the several County Courts, and all other Officers, their lawful Fees: And that any Person or Persons whatsoever, that shall hereafter be sued or impleaded in the Provincial Court, or any of the County Courts within this Province, shall and may in his or their own proper Persons come into Court, and after Special Bail by him or them given, if adjudged so to do, to appear and imparle 'till next Court, or to confess Judgment, to any Action or Actions, in any of the Courts aforesaid, commenced against him, her, or them; any Law Statute or Custom to the contrary notwithstanding.

Examined and Compared with the Original Act,

Reverdy Ghiselin
Thomas Bacon

An Act for settling the Administration of the Government of this Province, in case of the Death or Absence of his Lordship's Governor, for the Time being, till his Lordship's Pleasure shall be farther known therein.

Whereas his Excellency John Hart, Esq; our present Governor, (on Reflection of the many violent and dangerous Fits of Sickness he has been afflicted with, since his Arriving to the Government of this Province, especially the last, from which he is not yet perfectly recovered,) has represented to this General Assembly, That the Right Honourable the Lord Proprietary of this Province, hath not sent in any Instructions, or otherwise signified his Pleasure, where the Power of this Government shall be lodged, in case of the Death or Absence of his Lordship's Governor, for the Time being, either of which Accidents might involve the Inhabitants of this Province, not only in very confused Circumstances, but manifestly endanger the Peace and Welfare thereof: This General Assembly do pray that it may be Enacted,

II. And be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That in case of the

Bacon. Death or Absence of his Lordship's Governor, for the Time being, the First Person named by the Right Honourable the Lord Proprietary, and in his Lordship's Commission, to be of his Lordship's Honourable Council, for the Time being, then living, and actually residing in this Province, and upon his Death or Absence, the next Person likewise named of his Lordship's said Council, actually living and residing as aforesaid, successively, shall immediately take upon him the Administration of the Government of this Province, and shall, with the Advice and Consent of his Lordship's Council, for the Time being, Execute all the Powers and Authorities which were or shall be given to such Governor, in relation to the Government, until the Return of such Governor, if absent, or until his Lordship's Pleasure shall be further known, or that he otherwise directs therein.

Examined and Compared with the Original Act,

Reverdy Ghiselin
Thomas Bacon

M. H. S. Collection. An Act to confirm his L^{dps} Acceptance of the 18^s p Hhd. formerly raised.

Whereas at a Session of Assembly begun & held at the City of Annapolis the 26th Day of April 1715, it was enacted that from & after the 29th Day of Sept^r 1715 there should be raised levied & Collected for every hh^d of Tob^o which should be shipped in any Ship or Vessel to be exported out of this Province or any the Territories Islands Ports Rivers Creeks or Places thereunto belonging the Sum of 18^s Sterling & for every 100 weight of Tob^o exported in Box Chest Barrel or Case 3^s Sterling & pro rato for a greater or lesser quantity to the Kings most Excellent Majesty his Heirs & Successors to be applied to the use of & paid to the R^t Hon^{ble} Benedict Leonard L^d Baltemore L^d Proprietary of this Province in case he should be favorably pleased to accept the same in Consideration of his receiving his Quit Rents & Alienation Fines during the Continuance of said Act in Tob^o at the Rate of 2^d St^s p lb. but forasmuch as it hath pleased Almighty God that the said Benedict Leonard late L^d Proprietary of this Province departed this life before his pleasure was known whether he would accept the Imposition afores^d in Consideration af^d & now that his Excellency the Governor has signified to this Gen^l Assembly that the Right Hon^{ble} Charles L^d Baltimore present L^d Proprietary of this Province is willing to accept of the said Impost upon the said Consideration that was proposed to his deceased Father Be it therefore enacted by the R^t Hon^{ble} the L^d Proprietary by & with the

Advice & Consent of His L^{ds} Governor & the Upper & Lower Houses of Assembly & by the Authority of the same that all such Sums of Money as have been or shall be raised by the said Duty or Impost during the Continuance of the aforementioned Act shall be paid by the Treasurers of this Province or others in whose hands the same are lodged to the R^t Hon^{ble} the L^d Proprietary or his Agent or to such other Person or Persons as are or shall be legally appointed by his said L^d to receive the same (the Charge of Collection thereof due to the Navall or other Officers that first collected the same being first deducted) such payment being in full Recompence & Satisfaction of & for his L^{ds} Acceptance of his Quit Rents & Fines for Alienations in Tob^o at 2^d Ster^s p lb according to the true Intent & Meaning of the said before mentioned Act. Their L^{ds} having also signified that it would be agreeable to the People the Lord Proprietary would accept of a Duty of two Shillings p Hhd instead of 18^s in full payment & Satisfaction of all the Rents & Alienation Fines that should become due to him, the Assembly gladly embraced the Offer & passed the following Act.

An Act ascertaining the Gage & Tare of Tob^o Hhds. & to prevent Cropping Cutting & Defacing Tob^o taken on board Ships or Vessels upon freight & for laying Impositions on Tob^o p the Hhd. for the Support of Governm^t & for the Encouraging Settlements in this Province by ascertaining the manner of paying His L^{ds} Alienation Fines & Quit Rents for the Term therein proposed & for taking off the three pence p Hhd formerly raised for the Publick Charge.

[All that part of this Act which relates to the Gage of Tob^o Hhds & to prevent Cropping &c is the same as the first part of the Act made in June 1715 excepting that the L^d Proprietary's name is inserted in this where His Majestys is in the other Act & excepting that that Clause in the other Act which continued in force the Act of 1711 ascertaining the Gage of Tob^o Hhds is left out of this]

And forasmuch as by the Enlargement of Tob^o Hhds from the late Gage of 30 Inches in the Diameter of the Head to this present Gage a larger Quantity of Tob^o will be exported in each Hhd whereby the several Duties & Imposts on Tob^o will be evidently retrenched & lessened unless a just Regard be had to the Preservation of them in their usual Worth & Value which this present General Assembly is highly obliged to those Duties being generally applied to the Support of Gov^t & for other the most important Affairs of this Province & therefore it is not only just but necessary that the Duties

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Collection.

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upon the Hhds which shall be of the Gage herein directed should be in some Sort enlarged proportionably to the Enlargement of the said Gage it is therefore most humbly prayed that His L^{dy} the L^d Proprietary will be favourably pleased to grant that it may be enacted & Be it enacted by His said L^{dy} by & with the Advice & Consent aforesaid that from & after the 29th Day of Sept next there shall be levied collected & raised to the R^t Hon^{ble} the L^d Proprietary His Heirs & Successors for every Hhd of Tob^o which shall be shipt in any Ship or Vessel to be exported out of this Province or any the Territories Islands, Ports Rivers Creeks or Places thereto belonging after the 29th Day of Sept aforesaid the Sum of fifteen pence Sterling in lieu & stead of the twelve pence Sterling formerly imposed on every Hhd of the aforementioned former Gage & for every 100 lb of Tob^o exported in Box, Chest Barrel or Case two pence half penny St^r & so pro rato for a greater or lesser quantity Provided always that the Money that shall be raised by the said Duty shall be applied to those Ends & Uses for which it has hitherto been raised viz. for the Support of His L^{dy}s Govern^t within this Province in manner following & not otherwise that is to say Three pence of the said fifteen Pence p Hhd for the purchasing Arms & Ammunition for the maintaining a Magazine for the better Defence of this Province & for the due Preservation thereof to be collected by the proper Officer & paid to the Treasurer or Treasurers of this Province for the time being to be disposed of to the Uses afores^d as the Governor & Council for the time being shall direct, the other twelve pence to His Ldp's Governor for the time being actually inhabiting & residing within this Province for the better enabling him to support the honour & Dignity of Gov^t & effectually to execute the Powers & Authorities to him committed to be collected by the proper Officers by him appointed & paid to such Governor as afores^d And in Case of the Death or Absence of such Governor the one half of the said 12^s applied to the Governor as afores^d that shall arise in such Vacancy shall be applied to the Maintenance & Support of such of His Ld^{rs} Council as shall then preside the other Half to be applied towards the building a House for His Ld^{rs} Governor & be lodged in the publick Treasurers hands for that use, & be it further enacted that the said Duty & Impost shall be from time to time paid & satisfied by the Master or Masters of every such Ship or Vessel respectively in which any such Tob^o shall be exported upon his or their Clearing or taking out his or their Dispatch or Dispatches for every such respective Ship or Vessel & before the Departure of such Ship or Vessel. And the Master or

Masters of every such Ship or Vessel coming into this Province shall at their first Arrival here before their Loading on board any Goods or Commodities of the Growth Production or Manufacture of this Province give good & sufficient Security to His Excellency the Governor or the Officer thereunto especially appointed for the payment of the said Duty or Imposition accordingly. And whereas the General Assembly of this Province on the 26th Day of April 1715 made their humble Application to the late R^t Hon^{ble} Benedict Leonard Lord Baron of Baltimore that he would be favourably pleased to accept of his Rents & Fines for Alienations in Tob^o at 2^s St^r p lb in such manner & on such Conditions & terms as his Noble Ancestors have heretofore done for the greater Ease to their Tenants in the Payment of their Rents & the better to encourage the Cultivation & Settlement of the remoter Parts of this their proprietorship And forasmuch as the Gratuity formerly settled on His said L^{dps} Ancestors before the Decease of the late R^t Hon^{ble} Charles Lord Baron of Baltimore was raised by an Impost of twelve pence on the Exportation of every Hhd of 400 lbs of Tob^o which Impost determined by the Death of the said R^t Hon^{ble} Charles L^d Baron of Baltimore so that thereby His L^{dps} Rent became payable in Money, but forasmuch as to have continued the payment thereof in Money would have been wholly impracticable from the great Scarcety of it amongst Us & that it would not only have tended much to the Disappointment of His L^d in Receipt of his Rents but also to the Oppression of such Tenants as held Lands under Conditions of such punctual Payment as the Tenor of their Grants requires & to the Disinheriting many who would have been obliged to surrender their Estates for want of Ability to comply therewith which in all probability would have proved a Check to the future Cultivation of the remote & forest Lands of this Province being part of His Majesty's Dominions, all which Inconveniencies that General Assembly most earnestly desired might be provided agst And forasmuch as the Quantity of Tob^o then usually exported or which might be exported in a Hh^d of the Gage by this Act settled exceeded the Quantity which was commonly reputed to be the Contents of a Hh^d at the time when the afores^d 12^s p Hh^d was settled on His L^{dps} Ancestors for the making easy the payment of his Rents & Fines for Alienations afores^d & also for that altho the Number of Hhds annually exported hath much increased since that time yet for that the Value of His said L^{dps} Rents hath much more increased, a Law was then passed for the raising an Impost of 18^s S^{rs} p Hh^d & 3^s Stg. p 100 on Tob^o exported

M. H. S.
Collection.

M. H. S. out of this Province in Box Chest Barrel or Case for the Use
Collection. of the said Lord Proprietary in Consideration of his taking
his Rents & Alienation Fines in Tob^o at 2^d S^s p lb And
whereas His present L^{dp} the R^t Hon^{ble} Charles L^d Baron of
Baltimore since the Decease of his Noble Father the late L^d
Benedict has signified to this present General Assembly his
Willingness to accept of an Additional Duty of Six pence
S^s p Hh^d in full Satisfaction of his Quit Rents & Fines for
Alienation that shall arise or grow due within this Province
during the Continuance of this Act which is thought by the
General Assembly to tend to the Good of the Generality of
the poorer Sort of Planters & especially those Orphans who
hold Lands within this Province Be it Enacted by the R^t Hon^{ble}
the L^d Proprietary by & with the Advice & Consent of his
L^{dps} Governor & the Upper & Lower Houses of Assembly
& by the Authority of the same that from & after the 29th
Day of Sept^r next there shall be raised levied collected &
paid for every Hh^d of Tob^o which shall be Ship't in any Ship
or Vessel to be exported out of this Province or any the
Territories, Islands Ports Rivers Creeks or places thereto
belonging the Sum of Two Shillings S^s & for every 100 lb of
Tob^o exported in Box Chest Barrel or Case 4^s Sterling & so
pro rato for a greater or lesser quantity to his Ldp the Lord
Proprietary in full Discharge & Satisfaction of His Quit Rents
& Fines for Alienations that shall arise or grow due within
this Province from and after the said 29th Day of Sept^r next
& that the said Duty of Two Shillings Ster^s p Hh^d shall
after the said 29th Day of Sept^r aforesaid be paid to such
Officer or Officers as His L^{dp} shall think fit to appoint to
receive or collect the same by the Master or Masters of
every such Ship or Vessel respectively in which any such
Tob^o shall be exported on or after the said 29th Day of Sept^r
next during the Continuance of this Act upon his or their
Clearing or taking out his or their Dispatch or Dispatches for
every such respective Ship or Vessel & before the Departure
of such Ship or Vessel & the Master or Masters of every
such Ship or Vessel coming into this Province shall at their
first Arrival here & before their Loading on board any Goods
or Commodities of the Growth Production or Manufacture of
this Province give good & sufficient Security for the payment
thereof as is herein before directed. And be it further
enacted by the Authority aforesaid that the Act of Assembly
of this Province entituled an Act for ascertaining the Gage
& Tare of Tob^o Hh^{ds} & to prevent Cropping Cutting &
defacing Tob^o taken on board Ships or Vessels upon Freight
& for laying Impositions on Tob^o p the Hh^d for the Support

of Govern^t & for the Encouraging Settlements in this Province by ascertaining the manner of paying the Alienation Fines & Quit Rents to the Lord Proprietary of this Province on the Conditions therein mentioned made at a Session of Assembly begun & held at the Port of Annapolis the 26th Day of April 1715 be & is hereby revived & continued in full force untill the 29th Day of Sept^r next & no longer. And whereas it is considered by this present General Assembly that the Levying & imposing the Additional Duty of Six pence p^r Hhd. for his L^{dy} in full Discharge of the Quit Rents & Fines for Alienations as af^d will advance the whole Duty at present on Tob^o exported out of this Province to the Sum of three Shillings & nine pence St^r p^r Hhd. which will be so great a Burthen on the Tob^o Trade that this General Assembly think it their Duty & absolutely necessary to ease it as far as in them lies, Be it therefore enacted by the Authority Advice & Consent af^d that an Act of Assembly of this Province entituled an Act laying an Imposition of 3^d p^r Hhd on Tob^o for Defraying the Publick Charge of this Province made at a Session of Assembly begun & held at the City of Annapolis the 22^d Day of June 1713 shall after the 29th Day of Sept^r next be hereby utterly repealed & made void provided also that from & after the said 29th Day of Sept^r in Case of Shipwreck or other Loss of any Ship or Ships Vessel or Vessels so that the Tobaccos therein laden be lost before the Delivery of such Ship or Vessel at the intended Port, then the Master Merchant or Owner of such Tobaccos so laden & lost as af^d who shall have paid the Duties afores^d shall have liberty to ship at some other time so many Hhds of Tob^o as they had formerly paid Impost Money for as af^d free & clear of any the said Impositions. And be it further enacted & declared by the Authority af^d by & with the Advice & Consent af^d that the Publick of this Province shall not be burthened or charged with any Salary or Salaries for the Collecting all or any of the said Duties & Imposts herein before mentioned to be raised save only the Duty of 3^d p^r Hh^d on Tob^o exported by this Act appropriated for the purchasing Arms & Ammunition for the Defence of this Province which shall & is hereby intended to be received by the several Naval Officers of the respective Ports where the same shall arise for which receiving they shall be allowed after the Rate of 8 p^r C^t & be & are hereby obliged to account therefore with the publick Treasurers of this Province who shall render Acco^t thereof to the General Assembly when thereunto required & which Treasurers for receiving accounting & paying the said Duties as may be directed according to

M. H. S.
Collection.

M. H. S. the Intention of this Act shall have & receive the Sallary of
 Collection. two & a half p C' & no more & the said Money to be lodged
 in the hands of such Merch' or Merchants in London as the
 Upper & Lower Houses of Assembly shall from time to time
 direct. And be it further Enacted by the Authority af^d that
 the severall & respective Clerks of the Provincial & County
 Courts within this Province shall Yearly & every year during
 the Continuance of this Act ex Officio make out a true & fair
 List of all such Alienations as shall be yearly recorded in the
 respective Courts that is to say the Names of the Parties
 Grantor & Grantee, the Dates of the Deeds & Name of the
 Lands with the quantity thereof ready to be delivered to the
 Agent of the R^t Hon^{ble} the L^d Proprietary of this Province
 when required of such Clerks & in Case the Clerk of the
 Provincial Court shall neglect to do what is required of him
 to be done by this Act he shall forfeit the Sum of £10, Current
 Money & the Clerk of the County Court so neglecting as
 aforesaid shall forfeit the Sum of £5, Current Money to the
 R^t Hon^{ble} the L^d Proprietary of this Province his Heirs &
 Successors towards the Support of His Ld^{sh}'s Gov^t within this
 Province to be recovered in any County Court within this
 Province by Action of Debt Bill Plaint or Information wherein
 no Essoyn Protection or Wager of Law to be allowed. This
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